

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT THIKA

ELC SUIT NO. 762 OF 2017

GITHIU MWANGI.....PLAINTIFF/APPLICANT

VERSUS

MWANGI MUIRURI.....DEFENDANT/RESPONDENT

JUDGMENT

1. Vide a plaint filed on 2.10.2017, the plaintiff sued the defendant claiming that defendant had interfered with the boundaries separating parcels no. Kiganjo/Gatei/1745 and Kiganjo/Gatei/1746. The plaintiff owns the former parcel while defendant owns the latter one. The plaintiff hence seeks an order that the district surveyor be directed to align the boundary for the aforementioned two parcels, that the parties be bound by the findings thereof and that plaintiff be reimbursed in terms of costs.

2. The case was not defended and the matter proceeded for formal proof on 2.9.2020.

3. The plaintiff who testified as pw1 adopted his statement recorded on 29.9.2017 as his evidence. He also produced the documents in his list dated 29.9.2017 as his exhibit 1-6.

4. Plaintiff contends that defendant has been interfering with the boundary between the two parcels and he has also frustrated plaintiff's efforts to have the boundary aligned. They even tried to go to chief, then to the land registrar but defendant declined to attend so plaintiff was advised to seek court's assistance.

5. I find that plaintiff's evidence is in tandem with his pleadings. The documents availed by the plaintiff, particularly exhibits 3-6 clearly demonstrate that plaintiff has gone to great length to have the dispute resolved. In the circumstances, I find that plaintiff's claim is merited. **Judgment is hereby entered for the plaintiff against the defendant as set out in the plaint.**

DATED AND SIGNED AT MERU THIS 4TH DAY OF MARCH, 2021

HON. LUCY N. MBUGUA

ELC JUDGE - MERU

DELIVERED AT THIKA THIS 18TH DAY OF MARCH 2021

HON. LUCY GACHERU

ELC JUDGE - THIKA