



**Molia v Jirma & 2 others (Environment & Land Case 18 of 2021)
[2023] KEELC 18666 (KLR) (10 July 2023) (Judgment)**

Neutral citation: [2023] KEELC 18666 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT ISIOLO
ENVIRONMENT & LAND CASE 18 OF 2021**

PM NJOROGE, J

JULY 10, 2023

BETWEEN

VERONICA LEWIS MOLIA PLAINTIFF

AND

IBRAHIM JIRMA 1ST DEFENDANT

**CABINET SEC. MINISTRY OF LANDS, COUNTY GOVERNMENT OF
ISIOLO 2ND DEFENDANT**

ATTORNEY GENERAL 3RD DEFENDANT

JUDGMENT

1. All the defendants and all their advocates did not come to court. Having satisfied myself that the hearing Notice had been duly served, I directed that the hearing proceeds *ex-parte* in the absence of the defendants.
2. Miss Nyaga told the court that the plaintiff was relying on all her pleadings and asked the court to enter Judgement in her favour. She explained that as the defendants were not in court, it was not feasible that the plaintiff would be cross-examined.
3. PW1, Veronica Lewis Molia, told the court that she relied on her pleadings and her exhibits in the list of documents in the court file. She asked the court to grant her prayers as contained in her plaint dated 5th February, 2014.

She also asked the court to grant her costs of the suit. She further asked the court to admit the exhibits in the list of documents.
4. The said documents are admitted as the Plaintiffs Exhibit No 1



5. I find that in the absence of all the defendants and all their advocates, and in terms of order 12 of the Civil Procedure Rules which allows the court to proceed with hearing of the suit when the defendants fail or refuse to come to court during the day slated for hearing, the court should enter Judgement in favour of the plaintiff.
6. I issue the following orders;
 - a. It is hereby declared that the plaintiff is owner of Parcel No 184 (ISL 11701/9) absolutely.
 - b. A permanent injunction is hereby issued restraining the 1st defendant from entering, interfering and/or dealing in any way with the plaintiffs Parcel of land No 184 (ISL 11701/9).
 - c. Costs are awarded to the plaintiff against the defendants jointly and severally.

DELIVERED IN OPEN COURT AT ISIOLO THIS 10TH DAY OF JULY, 2023 IN THE PRESENCE OF;

HON. JUSTICE P. M NJOROGE

JUDGE

Court Assistant: Balozi

Miss Nyame for the Plaintiff.

All Defendants and all Advocates Absent.

