

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT KITALE

LAND CASE NO. 144 OF 2017

JULIAS MASINDE.....PLAINTIFF

VERSUS

FRANCIS WAFULA.....DEFENDANT

JUDGMENT

The plaintiff commenced this suit vide a plaint dated **19/8/2017** which was filed on **23/8/2017**. The plaintiff sought orders of eviction of the defendant from his **5 acres** comprised in land Title No. **Trans-Nzoia/Maridadi/209**. He also sought an order of permanent injunction restraining the defendant, his agents or servants or any other person from interfering with his quiet use and possession of the suit land, costs and interest. On **25/5/2021** the suit came up for hearing and it proceeded *ex parte* as the defendant was absent. The plaintiff alone testified in his case and adopted his written witness statement dated **19/8/2017** as his evidence-in-chief. The plaintiff's claim is that he bought the suit land through Njoloole Farmers Company Ltd. All the receipts bearing the name of that company were issued in his name; he has been utilizing the land from **1984** up to the time the defendant invaded it. **P. Exhibit 3** recommends that he be settled on the suit land. I have considered the pleadings and the evidence and I find that the plaintiff has established his claim against the defendant on a balance of probabilities. Consequently, I enter judgment the plaintiff's favour against the defendant as prayed in **Prayers Nos. (a), (b) and (d)** in the plaint dated **19/8/2017**.

DATED, SIGNED AND DELIVERED AT KITALE VIA ELECTRONIC MAIL ON THIS 7TH DAY OF JUNE, 2021.

MWANGI NJOROGE

JUDGE, ELC, KITALE