

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

ELC CASE NO. 8 OF 2018

FRANCIS BUNDI JOHNPLAINTIFF

VERSUS

JOSEPHINE NYAKIRU GIKUNJUDEFENDANT

JUDGMENT

1. The plaintiff filed this case on 6.3.2018 claiming entitlement to land parcel no. Ntima/Igoki/3485 by way of adverse possession.
2. Vide the court's ruling of 23.7.2018, plaintiff was allowed to effect service of summons by way of substituted service. Such service was effected on 23.8.2018 through the Daily Nation Newspaper. The matter hence proceeded as a formal proof.
3. Plaintiff testified and adopted his statement dated 27.2.2018 as his evidence and he also produced the 3 documents in his list of 27.6.2018 as his exhibits 1-3.
4. Plaintiff avers that he has been in occupation of the suit land since 1990's and that such occupation has been continuous and without interruption.
5. The plaintiff has availed photographs of the suit land where dwelling structures and a cow can be seen. He has also availed a search certificate showing that the suit land is registered in the name of defendant. I find that plaintiff's claim has not been challenged. I am also in agreement with the submissions advanced on behalf of the plaintiff including the cited case law- **Wambugu vs. Njuguna (1983)KLR 173; Mbira vs. Gachuhi (2002) EALR 137 and Mtana Lewa v Kahindi Ngala Mwangandi (2015) eKLR.**
6. In conclusion, I find that the plaintiff has met the criteria of an adverse possessor as he has been in continuous occupation of the suit land without permission and without interruption since 1990's. The plaintiff's claim is hence allowed. Plaintiff is to be registered as the owner of the land parcel No. Ntima/Igoki/3485. No orders as to costs.

DATED, SIGNED AND DELIVERED AT MERU THIS 16TH DAY OF APRIL , 2020 IN THE ABESENCE OF THE PARTIES AND THEIR ADVOCATES.

NB:The electronic delivery of this Judgment has been occasioned by the prevailing circumstances on Covid 19 pandemic. The advocates concerned have nevertheless given their consent for the said Judgment to be delivered and transmitted to them through the emails they have provided.

HON. LUCY. N. MBUGUA

ELC JUDGE