



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

CIVIL SUIT NUMBER 687 OF 2002

AND

THE AUCTIONEERS ACT NUMBER 5 OF 1996 AND THE AUCTIONEERS RULES 1997 (A-C)

KANGERI WANJOHI

T/A KINDEST AUCTIONEERS... AUCTIONEER/APPLICANT

GEORGE MWAI MBURU.....PLAINTIFF

VERSUS

MARY WAMAITHA KAIITTANY..... 1ST DEFENDANT

NAIROBI CITY COUNCIL.....2ND DEFENDANT

R U L I N G

Kangeri Wanjohi T/A Kindest Auctioneers, took out the motion dated 16th July, 2018 in which he sought for the following orders: -

- a. That this honourable court be pleased to authorize the Officer Commanding Station or the Officer in Charge Station, Kamukunji Police Station, to assist me and my agents to carry out eviction on the property occupied by the 1st and 2nd Defendants at the parcel known as Plot B1 and B2 Gikomba Light Industrial Area, Kimbo Muniyiri Road, Nairobi to be able to put the premises in possession of the Plaintiff, George Mwai Mburu.*
- b. That the Officer Commanding Kamukunji Police Station do hereby supervise the exercise for the purpose of maintaining law and Order during the eviction process.*
- c. That the cost of this application be borne by the Defendant in any event.*

The motion is supported by the affidavit of Kangeri Wanjohi.

I have considered the grounds stated on the face of the motion and the facts deponed in the supporting affidavit plus the brief oral submissions by the Applicant. The application is ex-parte in nature. The Applicant is basically seeking for police assistance to carry out the execution of the decree/order by way of eviction. In the supporting affidavit, the Applicant avers that the 1st Defendant who is in occupation of the parcel of land known as **Plot B1 and B2 Gikomba Light Industrial Area, Kimbo Muniyiri Road, Nairobi** have refused to vacate and have made it impossible and dangerous for the court bailiff to forcefully evict them. The Auctioneer is before this court seeking for police back up. I am convinced that the Applicant is entitled to the order.

Consequently, the motion is allowed as prayed.

Dated, signed and delivered at Nairobi this 19th day of July, 2018.

.....

J K SERGON

JUDGE

In the presence of

..... ***for the Applicant***

..... ***for the Respondents***