

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT BUNGOMA

LAND & ENVIRONMENT CASE NO.98'A' OF 2015

CHRISTINE WAFULA WEPUKHULU.....PLAINTIFF

VERSUS

STEPHEN JUMA WANAMBISI.....DEFENDANT

JUDGEMENT

[1]. Christine Wafula Wepukhulu the plaintiff herein filed this suit against the defendant Stephen Juma Wanambisi praying for orders that the defendant do stop his activities and leave the plaintiff's land forthwith. She prays for an order that the defendant be restrained from trespassing on the plaintiff's land and costs of the suit.

[2]. In her evidence the plaintiff stated that she is a resident of Mabanga Area in Bungoma County. That her husband one Evanson Wafula Wepukhulu is deceased. She said that she has taken letters of representation to administer his estate. She stated that her husband died on 6/6/2014 at Bungoma District Hospital. That prior to his death they lived peacefully on 8 acres of land, their share of land parcel E.Bukusu/N.Sang'alo/1072 which was registered in the name of her husband's late father Wepukhulu Wanambisi Maundende.

[3]. She stated that in August 2014 two months after the death of her husband, the defendant invaded their 8 acres of land. He alleged that he had purchased the land. He fenced it up leaving only a small portion where the plaintiff's house stands. As a result, the plaintiff has been unable to plough, plant and utilize the land. She therefore prayed for orders to restrain the defendant from trespassing on the suit land and for orders that the defendant do pull down and remove the structures he has constructed on the said 8 acres and costs of the suit.

[4]. The defendant was served. He did not enter appearance. A judgement was entered against him by the Deputy Registrar on 13/4/2006 and the Case was fixed for formal proof on 31/10/2016 when this case was formally proved.

[5]. This case was not defended. Judgement had already been entered by the Deputy Registrar. The allegations of the plaintiff were not challenged by the defendant who was duly served.

I therefore enter judgement for the plaintiff as prayed with costs.

Judgment read in open Court.

DATED at BUNGOMA this 10th day of March, 2017

S.N. MUKUNYA

JUDGE

In the presence of:

Court Assistants - Chemtai/Joy

Mr. Makokha - For khakula Advocate

Defendant - In person