

REPUBLIC OF KENYA.

IN THE HIGH COURT OF KENYA AT BUNGOMA.

ENVIRONMENT AND LAND CASE NO. 52 OF 2014

SOLOMON WEPUKHULU WEKESA.....1ST PLAINTIFF

SAULO WALUKANA WEKESA.....2ND PLAINTIFF

VERSUS

SHEM NALIANYA SIBITALI.....DEFENDANT

JUDGMENT

[1]. The plaintiffs filed this suit and stated that they are the registered owners of land parcel Number Kimilili/Kimilili/1581 and were issued with title deed on the same day. They state that on 18.12.13 they applied for official search for the same and discovered to their dismay that the land was registered in the name of the defendant and the defendant is yet to be issued with a title deed. The plaintiffs aver that they did not transfer the land to the defendant. They set out particulars of fraud, forgery and deceit on the part of the defendant. The plaintiffs claim against the defendant is for a declaration that the registration of the defendant as the registered owner of title number Kimilili/Kimilili/1581 reflected on 20.6.200 be declared null and void and that the registration be cancelled.

[2]. The defendant was fully served. He did not file any appearance and/or any defence. The plaintiffs gave their evidence and narrated how they obtained their joint title. The plaintiffs prayers are not opposed. They produced the original title in their names issued on 8th July 1988, a search certificate dated 18th December, 2013 dully signed by the Land Registrar Bungoma District Land Registry.

I believe the plaintiffs. I grant them their prayers with costs of the suit.

Judgement read in open Court in the presence of Mr. Bw' Onchiri.

DATED at BUNGOMA this 11th day of May 2017.

S. MUKUNYA

JUDGE

In the presence of:

Coram: Hon. S. Mukunya (Judge)

Gladys: Court Assistant

Mr. Bw' Onchiri for Plaintiff

Defendant never appeared