



**REPUBLIC OF KENYA.**

**IN THE ENVIRONMENT AND LAND COURT AT KAKAMEGA.**

**ELC CASE NO. 36 OF 2018**

**PATRICK MUTENYO WANJALA.....PLAINTIFF/APPLICANT**

**VERSUS**

**FATUMA NALIAKA KUTA**

**SALIM MUCHELULE OMULANGULA**

**ASMINI WABWIRE WANYAMA**

**RAMADHAN JOM KARIO**

**RAMADHAN MAHDLY WEKHUYI**

**GODFREY ONGUME CHICHOLA.....DEFENDANTS/RESPONDENTS**

**RULING**

The application is dated 20<sup>th</sup> July 2020 and is brought under section 3A of the Civil Procedure Act seeking the following orders:-

1. That this application be certified as urgent.
2. That the Officer Commanding Harambee Police Station be directed to provide security during the execution of the decree issued herein against the respondents herein.
3. That costs be provided for.

The application is based on the annexed affidavit Patrick Mutenyo and the grounds that the applicant herein obtained a decree for adverse possession on 14<sup>th</sup> day of May 2019. That the respondents herein have neglected and/or refused to move and deliver up vacant possession of the L.R. S. N/Wanga/Khalaba/1800, 1801, 1802, 1803, 1804 and 1805. That security is needed during the execution of the said decree so as to avoid breach of peace.

This court has considered the application. The respondents were served but failed to attend court or file any response. I have perused the court file and indeed find that by a judgement dated 14<sup>th</sup> May 2019 the applicant herein obtained a decree for adverse possession. The application is based on the grounds that the respondents herein have neglected and/or refused to move and deliver up vacant possession of the L.R. S. N/Wanga/Khalaba/1800, 1801, 1802, 1803, 1804 and 1805. That security is needed during the execution of the said decree so as to avoid breach of peace. I find that the application is not opposed and court orders must be obeyed. Be that as it may and due to the Covid 19 pandemic the application is granted and the same is stayed for a period on 90 days from the date of this ruling. No orders as to costs as the same was undefended.

It is so ordered.

**DELIVERED, DATED AND SIGNED AT KAKAMEGA IN OPEN COURT THIS 28<sup>TH</sup> SEPTEMBER 2020.**

**N.A. MATHEKA**

**JUDGE**