



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KISUMU**

**LAND AND ENVIRONMENT NO.95 OF 2013**

**BENARD OJWANG AUMA.....PLAINTIFF**

**VERSUS**

**ALICE OWUYO.....DEFENDANT**

**FINAL JUDGMENT**

1. The Plaintiff – **BENARD OJWANG OUMA** – filed this suit here against the defendant on 26/4/13. The matter was filed vide a plaint dated 22/4/2013 and is against the defendant – **ALICE OWUYO**. The suit concerns suit parcel No. **CENTRAL ALEGO/KOMOLO/483**, which the plaintiff owns together with two others – **GEORGE ONYANGO AUMA** and **ALFRED OTIENO AUMA**.
2. The suit parcel is said to have originally belonged to the plaintiff's father – **AUMA OJWANG** and borders land parcel No. **CENTRAL ALEGO/KOMOLO/993**, which the defendant's husband originally owned but sold.
3. The defendant is said to have encroached on the plaintiff's land and settled on it. This happened in the year 2011. The plaintiff now wants an order of eviction plus costs of the suit and interests.
4. Court records show that the defendant was served on 3/5/2013. Despite service however, she didn't enter appearance and/or file defence within the requisite period. Subsequently, judgment was requested for and the same was entered against the defendant on 3/6/2013.
5. The matter came for formal proof on 11/3/2014. The plaintiff reiterated much that is contained in the plaint. In addition, it became clear that the plaintiff has tried to handle the matter at the local level (before the area chief) but his efforts were not successful. It also came to light that the plaintiff is the administrator of his late father's estate.
6. This is an uncontroverted matter. On balance the plaintiff has shown that the land parcel herein belongs to him and his two brothers. The defendant's name does not appear anywhere in the records of ownership. A copy of title deed was availed.
7. There is really nothing standing in the way of the plaintiff's claim. Accordingly, the plaintiff is granted prayers (d) and (e) in his plaint which are also stated at paragraph 3 of this judgment.

**A.K. KANIARU – JUDGE**

**7/10/2014**