



REPUBLIC OF KENYA



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**Estate of Lomaria Kotoruk alias Plimo Kotoruk (Deceased) Represented by Susan Cherop v Psinen
(Environment & Land Case 54 of 2016) [2025] KEELC 4556 (KLR) (16 June 2025) (Judgment)**

Neutral citation: [2025] KEELC 4556 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KITALE
ENVIRONMENT & LAND CASE 54 OF 2016**

**CK NZILI, J
JUNE 16, 2025**

BETWEEN

**THE ESTATE OF LOMARIA KOTORUK ALIAS PLIMO KOTORUK
(DECEASED) REPRESENTED BY SUSAN CHEROP PLAINTIFF**

AND

AUGUSTINE PSINEN DEFENDANT

JUDGMENT

1. The plaintiff approached the court through an amended plaint dated 7/11/2023. She brings the case as the occupant of, and a legal representative of the estate of the late Lomaria Kotoruk alias Plimo Kotoruk, who was the registered owner of land title No. West Pokot/Keringet "A"/89. The plaintiff avers that the family of the deceased used to occupy and live on the suit land, including her mother before she passed on in 2006, leaving her then a minor alongside her siblings, in the custody of the defendant who as a relative had willingly undertaken to raise them till they became adults.
2. As a result of the promise, the plaintiff avers that the defendant took up and was allowed to utilize, occupy, possess, and cultivate the suit land to derive income for the welfare of the children till they became adults.
3. The plaintiff avers that the defendant continued utilizing the land, while at the same time paying school fees for her and the siblings until 2016 when on behalf of the estate she gave the defendant notice of withdrawal of the licence or permission and to hand over vacant possession of the suit land to her. The plaintiff avers that despite the notice, the defendant has declined to comply hence denying the estate rental income at an annual rate of Kshs.960,000/=, with effect from 2016 to the filing of the suit.
4. Again, the plaintiff prays for a declaration that the land belongs to the estate of the deceased, the defendant is a trespasser, who should vacate it, and mesne profits at the rate of Kshs.960,000/= per annum, effective from 2016, and a permanent injunction.



5. The defendant opposes the suit through an amended defense and counterclaim dated 11/12/2023. Though admitting that the suit land has been registered under the name of the late Plimo Kotoruk since 9/4/1984, he denies that the same is occupied by the deceased's family, including the plaintiff and her siblings.
6. The defendant admits supporting both the plaintiff and her siblings in their education before and after the death of their late mother. He however denied the alleged promise to cultivate such property as a way of refunding any monies paid to the late mother as consideration for any lease for the land with effect from 2007 as alleged or at all.
7. According to the defendant after 2006, the plaintiff's siblings who were of school-going age, vacated the suit land after their mother passed on and moved to his homestead. The defendant averred that whereas the land was registered under the name of the plaintiff's late father, Ibrahim Kotoruk, it initially belonged to his father and family, who had been in occupation and use since 1950, where he was born, raised, and brought up.
8. The defendant denied receiving any alleged demand letter from the plaintiff, otherwise the address used did not belong to him. Therefore, the defendant nevertheless admitted ploughing and cultivating the suit land since attaining the age of majority, which possession and occupation have extinguished the family of the plaintiff's rights of the user or title to the suit land. The defendant termed the plaintiff's claim as guilty of laches, and also as statute-barred.
9. Similarly, the defendant averred that he has exclusively and continuously been occupying, developing, and improving the value of the suit land since 1973, with full knowledge of the plaintiff without any objection, which acts are inconsistent with the plaintiff's rights. Further, the defendant averred that given the quiet and continuous possession, enjoyment, and use of the land before registration of the same, then the plaintiff's ownership was subject to equitable rights which have defeated the plaintiff's rights by operation of the law. The defendant therefore denied the alleged trespass to the suit land, even if any demand letter was ever written or sent to him.
10. By way of a counterclaim, the defendant avers that the plaintiff holds the title in trust for him since he has been on the suit land for over 12 years, hence extinguishing any title held by the estate of the deceased. The defendant counterclaim for:
 - (a) Declaration that the has acquired title to the land by way of adverse possession.
 - (b) An order that the land is held in trust for him.
 - (c) He is registered as the owner of the land.
 - (d) The plaintiff executes transfer forms in his favor in default, the Deputy Registrar of the court to do so.
11. In reply to the defense and defense to the counterclaim, the plaintiff avers that in a High Court Succession Cause No. 2 of 2015, the court found that the plaintiff's mother and the deceased lived on the suitland until 1979 when her father passed on, after which the said mother and her children continued living there, hence it was not true that the land belonged to the defendant's late father as alleged or at all.
12. Further, the plaintiff averred that the defendant had an adjacent land No. 90 measuring 45 acres, with a common boundary that was distinct from the suit land. In particular, the plaintiff denied that the defendant and his parents ever occupied parcels No. 89, 90, and 429, for they had left behind a 37-acre parcel of land in the Kaplelach area which the defendant has been utilizing.



13. The plaintiff avers that the defendant in the succession cause admitted during cross-examination that her late father had occupied the suit land between 1957 and 1979, and that all her siblings were born and brought up in the suit land. The plaintiff avers that after the late mother passed on the defendant, as a first cousin to the mother promised to assist his cousin's children, and hence the sole reason he has been cultivating and occupying the land out of permission or license since 2007, until it was revoked in court in 2016, which was barely less than 12 years. The plaintiff denied the alleged claim based on adverse possession or trust to have arisen, intended, or created, otherwise the defendant was a trespasser after the notice to vacate was issued.
14. By way of a reply to the defense to the counterclaim, the defendant admitted owning parcel No. West Pokot/Keringet "A"/90 but denied that there was any distinct boundary marking or features between the said plot and the suit land. The defendant admitted being born and raised on parcel No. West Pokot/Karinget "A"/89, and 29, which parcels were exclusively being used by his family and not the plaintiff or her family, save that he admitted that the house initially utilized by the plaintiff's family had been erected by him.
15. At the trial, Susan Cherop, Bakari Sakwa, and Jackson Kauka Limanyang testified as PW1, PW2 and PW3. They all relied on witness statements dated 7/11/2023 as their evidence in chief.
16. It was the plaintiff's testimony that her late mother Mary Cheriwoi was the only child of the late Lomaria Kotoruk alias Plimo Kotoruk, who lived on the suit land and left behind her late mother thereon at his death, and her four children, who were raised up on the suit land. The plaintiff told the court that her late grandfather had two brothers among them Ibrahim Kotoruk, the father of the defendant, whose land was at Kaplelach area and also parcel No. West Pokot/Karinget "A"/90, now owned and occupied by the defendant.
17. PW1 stated that the third brother of her grandfather was Kalikwon Kotorun and the owner of parcel No. West Pokot/Keringet "A"/429, now owned by Chepokrop Kalikwon. PW1 told the court that after her mother passed on in 2006, the defendant as a first cousin assisted a lot in the burial and later on in educating them while cultivating the land including taking her to live and stay in his home in parcel No. 90, while they were minors.
18. Further, PW1 told the court that after her mother passed on the defendant had to refund some monies to a tenant who had leased out the suit land from her late father, to start cultivating it to raise income for her welfare. PW1 told the court that while taking an ID Card, the defendant and his wife allegedly indicated that she was their daughter.
19. PW1 testified that in 2015, she petitioned for letters of administration for the estate of her grandfather on 14/1/2016, only for the defendant to seek a revocation. PW1 told the court that during the hearing of the application for revocation at the High Court, the defendant admitted the ownership, occupation, and possession of the suit land by her late mother, grandfather, and her siblings, as per a ruling on 20/9/2023, dismissing his objection.
20. PW1 told the court that despite the notice to vacate issued in 2016, the defendant refused to vacate the suit land, and instead in 2022, he demolished the house that her late mother had left on the land under the use and occupation of her brothers, who had to seek for occupation elsewhere. The plaintiff's evidence was corroborated by PW2 and PW3. PW1 relied on a copy of the grant of letters of administration intestate dated 14/1/2016, a copy of records for West Pokot/Karinget "A"/89, 90, and 429 as P. Exhibit Nos. (1), (2), and (3), copy of sketch map as P. Exhibit No. (4), demand letter dated 16/1/2016 as P. Exhibit No. (5), certificate of posting as P. Exhibit No. (6), proceedings in Kapenguria HC Succession Cause No. 2 of 2015 as P. Exhibit No. (7), Ruling as P. Exhibit No. (8), RIM as P.



- Exhibit No. (9) and OB No. 21 as P. Exhibit No. (10). In cross-examination the plaintiff and her witnesses were consistent that the suit land belonged to her late mother and not the defendant or his late father.
21. Augustine Kotoruk Psenen testified as DW1, he relied on his witness statement dated 12/10/2023 as his evidence in chief. DW1 told the court that his father was the late Ibrahim Kotoruk who after acquiring the land at Psigirio in Mnagei location in 1950, brought along his brothers Kalikwon Kotoruk and the plaintiff's late grandfather to the land since he was a local businessman and they all lived on the suit land before he passed on in 1960.
 22. DW1 told the court that during the land adjudication process, his late mother caused some of the parcels of land to be recorded in the names of his brother-in-law and the grandfather to the plaintiff, for protection purposes and in trust after over 70 acres of the larger parcel of their land were taken up by intruders. Therefore DW1 told the court that though the suit land was registered in the name of the plaintiff's late grandfather, it actually belonged to his late father, and has equally been under his late father's occupation throughout.
 23. According to DW1, the court that the three parcels of land namely parcels No. 89, 90, and 429 initially formed a single unit with no distinct boundaries. DW1 told the court since becoming an adult in 1973, he has continued possessing, occupying, and using the entire unit without interruption, force, or permission from the registered owner of parcel No. 89.
 24. Equally, DW1 told the court that he has extensively developed the land all his life, by cultivating crops and planting trees, hence it is in the interest of justice to grant the reliefs sought in his counterclaim. DW1 relied on copies of ID Cards, a copy of the green card for parcel No. 89, and a bundle of photographs as D. Exhibit No. (1), (2), and (3)(a) - (c), respectively. DW1 told the court that it was true that he had applied for revocation of the grant issued to the plaintiff because he was the bona fide beneficiary as a nephew of the deceased. DW1 told the court that he was the one who undertook to educate the siblings of the plaintiff as a good gesture. He denied that the alleged adverse occupation of the land was less than ten years. DW1 denied that the late mother to the plaintiff was his cousin.
 25. Pkukat Psiren testified as DW2. He told the court that the mother to the plaintiff was his cousin, who raised him up from 1953 at Psigirio village before the land was adjudicated in favor of his uncles to act as trustees among them the late Lomaria Kotoruk and Plimo Kotoruk as parcel Nos. 89 and 90, respectively. DW2 told the court that it was the defendant who had been exclusively utilizing the suit land.
 26. The plaintiff relies on written submissions dated 15/3/2025, isolating five issues for the court's determination.
 27. The plaintiff submitted that the suit land was posthumously registered under the name of her late grandfather in 1984 even though he had died in 1979 as per the extract of title produced as P. Exhibit No. (2), with no objection from anyone. She submitted that no case thereafter was filed challenging the ownership or seeking declaratory orders of trusteeship or adverse possession by any other person least of all the defendant or his relatives.
 28. As to the relationship between the parties, the plaintiff submitted that the deceased grandfather was a brother to the defendant's late father, hence the reason that the defendant after the demise of his cousin Maria Cheriwoi was allowed to take care of her and her siblings, while tilling the land with effect from 2007, to support the two brothers living thereon. The plaintiff submitted that evidence by PW1, PW2, and PW3 was clear on the circumstances under which the defendant took charge of the land in 2007 and not earlier on, so as to support his deceased cousin's children.



29. The plaintiff submitted that the evidence and pleadings by the defendant materially contradict those circumstances, more so given the evidence tendered in the succession cause. The plaintiff submitted that the foregoing circumstances show that the occupation, use, or possession by the defendant could not have been adverse to the estate of the registered owner for it was consensual or permissive in the first instance. Reliance was placed on *Alfeen Mehdi Mohammed -vs- Basil Forez Mohamed & Others, Mombasa C.A Civil Appeal No. 84 of 2015*, *Nyeri C.A. Civil Appeal No. 38 of 2017 M'Mbaoni M'Thara -vs- James Mbaka [2017] eKLR* and *Seventh Day Adventist Church Ltd -vs- Isoge F.S.C. Ltd [2021] eKLR*.
30. The plaintiff submitted that due to the close relationship between the parties, there is a rebuttable presumption that consent has been given and the burden is on a relative who alleges adverse possession to rebut the presumption which the defendant has failed to discharge. Reliance was placed on *Rodgers Mwamboje -vs- Douglas Mwamboje [2014] eKLR*, and *Samuel Kihamba -vs- Mary Mbaisi [2015] eKLR*.
31. Additionally, the plaintiff submitted that it is not lost that the defendant alleged beneficial interest at the succession court, only to change tune after losing to claim adverse possession or beneficial trust. Nevertheless, the plaintiff submitted that 12 years with effect from 2007, had not elapsed by the time the suit was filed. Reliance was placed on *Jane Cheptoo Sawe -vs- Estate of Silvester Kimagut Sang (Represented by Jennifer Chebet Sang) Eldoret C.A. Civil Appeal 105 of 2015*, *Joseph Matufari Situma -vs- Nicholas Makhanu Cherongo, Kisumu C.A. Civil Appeal No. 351 of 2002*.
32. On mesne profits, the plaintiff submitted that according to PW3, the counterclaim for the lease in 2007 was Kshs. 2,000/= and 16.5 x 10 years making a total of Kshs. 1,237,500/=: should be awarded with costs and interests. The plaintiff urged the court to find that the defense and counterclaim lacked merits.
33. The defendant relied on written submissions dated 17/3/2025. It was submitted that the entry, use, occupation, and possession of the suitland was not permissive otherwise parties are bound by their pleadings. Going by paragraph 4 of the initial plaint and paragraphs 7, 8, and 9 of the replying affidavit sworn on 3rd May 2016, and the demand letter dated 16/1/2016, which were followed by a change of tune in the amended plaint, the defendant submitted that entry into the suit land occurred in 1973 which was before 2007 as alleged by the plaintiff. The defendant urged the court to find that he has met the ingredients of adverse possession going by the caselaw of *Mtana Lewa -vs- Kahindi Ngala Mwangandi [2015] eKLR* and Section 7 of the *Limitation of Actions Act*.
34. As to mesne profits, the defendant submitted that the same is in nature of special damages which were not specifically proved as to how the figure was arrived at by way of placing tangible and cogent material before the court.
35. The court has carefully gone through the pleadings, evidence, tendered, written submissions, and the law. The issues calling for determination are:
1. If the plaintiff could file the suit as a legal representative of the estate of the late grandfather.
 2. If the registration of the suit land in the name of the late Lomaria Latoruk was subject to any overriding or equitable interests.
 3. If the defendant can advance any overriding or beneficial interest on behalf of his late father or his family.



4. How did the defendant gain entry into, or is justified to remain in occupation, use and possession of the suit land?
 5. If the plaintiff has proved her claim to the required standards to be entitled to the reliefs sought.
 6. If there is a competent counterclaim before the court.
 7. If the defendant has proved that the registration of the land in the name of Lomaria Kotoruk was subject to any trust and or adverse possession.
 8. What is the order as to costs?
36. It is trite law that parties are bound by their pleadings, and issues for the court's determination arise from the pleadings. A court of law therefore has no business to frame and or determine issues not brought up through pleadings by the parties. See Independent Electoral and Boundaries Commission & another v Mule & 3 others (Civil Appeal 219 of 2013) [2014] KECA 890 (KLR) (31 January 2014) (Judgment). In the trial bundles before the court, none of the parties complied with Order 11 of the Civil Procedure Rules and in particular Order 15 of the Civil Procedure Rules as regards issues for the court's determination.
 37. The claim by the plaintiff is that the suit land belongs to the late Lomaria Kotoruk alias Plimo Kotoruk as per the copy of the records produced as P. Exhibit No. (2) and that she is the legal representative of the estate as per a copy of the Grant dated 14/1/2016 produced as P. Exhibit No. (1). From P. Exhibit No. (6) and (7), the issue of who is the legal representative and the beneficiary of the estate of the deceased comprised of LR No. West Pokot/Keringet "A"/89 was settled by the High Court to the extent that the plaintiff was an issue of the late Mary Cheriwoi and that she and her siblings were the lawful grandchildren of the registered owner.
 38. The High Court in its findings held that the plaintiff was the only beneficiary to the estate and if the defendant had any entitlement to it, he could not raise such a claim in succession proceedings. The court declined to confirm the grant until the determination of the defendant's claim if any, before this court. The court however confirmed the plaintiff as the valid holder of P. Exhibit No. (1). Based on the foregoing the court therefore finds the plaintiff with the capacity to advance the claim for the estate in the absence of any appeal or review of the ruling delivered on 20/9/2023.
 39. The plaintiff in her pleadings and testimony does not deny the relationship between her late grandfather and the defendant's late father.
 40. Equally, the plaintiff pleaded and testified that the suitland is distinct from parcel Nos. West Pokot/Keringet "A"/90 and 429. A certified RIM Map was availed as an exhibit before this court. Other than testifying that the three parcels of land are one single unit with no distinct boundaries, the defendant availed no tangible documentary evidence to substantiate his defense that the three parcels of land are indivisible and have been under his exclusive use, occupation, and possession. Documentary evidence by way of a copy of records and Registry Index Map, may not be challenged by way of parole or extrinsic evidence. A title deed or copy of records is prima facie evidence of ownership of land, as per Section 26(1) of the *Land Registration Act*.
 41. A land owner has exclusive rights to use and keep away intruders from his or her land. The plaintiff pleaded and testified that the defendant was unjustified in remaining on the suit land especially after his permissive entry or license was terminated by a demand letter dated 16/1/2016. On the other hand, the defendant invoked overriding rights or interests based on trust and adverse possession.



42. It is trite law that trust must be specifically pleaded and proved. The defendant pleads that the circumstances leading to the registration of the land in the name of the late Lomaria Kotoruk, was as a trustee of his late father Ibrahim Kotoruk, and his family who have remained on the land since 1950.
43. The defendant pleaded and testified that the suit land is one unit comprised of parcels No. West Pokot/ Keringet "A"/90 and 429 with no distinct boundaries and has all along belonged to the estate of his late father. The defendant has not produced before the court any letters of administration or consent to mount the counterclaim on behalf of the estate of Ibrahim Kotoruk or for the family members comprised of that estate based on both trust and adverse possession.
44. The suit land was registered in the name of the late Lomaria Kotoruk posthumously in 1984 as per the copy of records after the deceased owner had passed on on 28/1/1979. If the deceased owner had already passed on at registration and was merely a trustee, as alleged by the defendant, evidence was not provided by the defendant as to why the land could be registered as such, if at all the defendant was an adult, having been born in 1955 and was in exclusive use, occupation, and ownership of the suit land. At that time, the defendant was 24 years old.
45. From the copy of records availed, the defendant's late father and his uncle, Cheborkirop Kalikwon were equally registered as owners of parcels No. 90 and 429, the same day as the late Lomaria Kotoruk. The defendant only became the registered owner of parcel No. 90 on 11/6/1993.
46. If then the suitland belonged exclusively to his late father, there is no evidence tendered why the late father or the defendant staked no claim to it, at the Land Registry or in any other court as soon as the registration occurred or at all, other than the lodging of the objection proceedings as a beneficiary in 2015 before the succession court.
47. Coming to customary trust, the defendant has to meet the ingredients set in *Kiebia -vs- M'Lintari* [2018] eKLR that:-
- (1) The land before registration was clan, family, or group.
 - (2) He could have been registered as owner but for certain circumstances.
 - (3) He belongs to that family, clan, or group.
 - (4) The claim is against the registered owner who is a member of the family, group, or clan.
 - (5) The claim is not idle or far-fetched.
48. Trust is a matter of fact to be established through tangible evidence. A court of law may not infer trust unless there is an absolute necessity to do so. See *Jelutabi African Adventure Ltd vs Christopher Lockley* [2017] eKLR, *Kanyi -vs- Muthiora* [1984] KLR 712, *Gathiba -vs- Gathiba* (2001) 2 E.A and *Mbui -vs-Mukindia Maranya* [1993] eKLR. The circumstances surrounding registration must be looked at, to determine the purpose of the registration and whether the trust was envisaged. See *Peter Gitonga -vs- Francis Maigi M'Kiara Meru HCC No. 146 of 2000*.
49. Customary trust is an encumbrance on the title and a successor of title thereof bears the encumbrance under Section 62(1) of the *Land Registration Act*. He who asserts customary trust bears the burden to prove its ingredients. See *Alice Wairimu Macharia -vs- Kirigo Philip Macharia* [2019] eKLR.
50. The defendant had the burden to call evidence that the suit land was ancestral before 1984, and one member of the family was designated to hold it on behalf of the rest of the family members. A nexus or link over trust to the title holder and the claimant has to be laid. See also *Muthaita -vs- Muthaita* [1982-88] 1 KRL 42. Customary trust is proved as held in *Njenga Chogera -vs- Maria Wanjira Kimani*



& Others [2005] eKLR, by leading evidence. Each case has to be determined on its own merits and the quality of the evidence.

51. In this case, there is evidence that all the other brothers to the late Lomaria Kotoruk acquired adjacent parcels of land that were even larger than his parcel of land. The defendant did not call his immediate cousins, brothers sisters, or uncles to substantiate his claim based on the Pokot customary law. See *Gichuki -vs- Gichuki Civil Appeal No. 21 of 1981*. The ingredients to found the same have not been met.
52. As to adverse possession, in *Mbui vs Maranya* (supra), the court held that the occupation of the land by the intruder must be non-permissive, use, hostile, exclusive, and with the intention to possess. It must be uninterrupted for a period of 12 years. The occupation or entry must be without stealth or force. See *Mbira -vs- Gachuhi* [2002] 1EALR 137 and *Jandi -vs- Kirpal & Another* [1975] EA 225.
53. Adverse possession occurs when a person takes possession of land and asserts rights over it, and the owner omits or neglects to take action against the intruder to assert title for 12 years. See *Mtana Lewa* (supra). The land sought to be held in adversity must be defined. The acts inconsistent with the rightful owner's right must be specific, clear, and proved through evidence. It is not enough to assert that the true owner abandoned possession. There must be dispossession and discontinuance of possession of the true owner. See *Wambugu -vs- Njuguna* [1983] KLR 172, *Samuel Kihamba* (supra).
54. The defendant has pleaded and testified that parcels No. 89, 90, and 429 have no clear boundaries or features. He has said that his family through him is the one in exclusive possession, use, and occupation of the suitland. The defendant brought nothing to challenge the RIM Map and a copy of the records showing that each of the parcels has distinct acreage and boundaries.
55. The plaintiff, on the other hand, pleaded permissive entry given the blood relationship of her late mother and grandfather, and more importantly, the circumstances that obtained after the passing of her mother living orphans on the land. In *Rodgers Mwamboja -vs- Douglas Mwamboja* [2014] eKLR, the court held that a person staying on his brother's land for more than 12 years could not claim adverse possession. De facto use and de facto occupation must be proved as held in *Mbui* (supra).
56. Adverse possession is a fact observed on the land but not on the title. See *Gachuma Gacheru -vs- Maina Kabuchwa* [2016] eKLR. Courts are weary of adverse possession claims among close relatives. See *Samuel Kihamba* (supra), *The African milk* as expressed in *Mbui* (supra) is applicable among Africans where one takes care of relatives in his homestead. There is evidence that PW3 was a lessee of the suit land before 2006. Equally, there is evidence that the plaintiff's two brothers were in occupation of the land up to 2020 when the defendant allegedly demolished their structures leading to a police report.
57. The defendant admits that he assisted the plaintiff and his siblings with support after 2006 and was tilling the suit land while the said siblings were minors. *The African milk* to assist relatives appears to be evident in the circumstances.
58. The said goodwill as admitted by the defendant in taking up himself the duty to cater for the family of his cousin or relatives, after the cousin passed on in my considered view did not make the defendant an adverse possessor of the suit land. Similarly, the defendant described himself as the sole beneficiary of the estate before the High Court and in this court. I find his evidence or the nature of his claim inconsistent and unsubstantiated. The counterclaim also lacks a titular heading.
59. As to mesne profits, the same was not substantiated through tangible and cogent evidence. It was also not specifically pleaded and prayed. The plaintiff has admitted that she was brought up by the defendant. In the circumstances, I find that it would be unconscionable to grant any general damages for trespass against the defendant since trespass is actional per se.



60. The upshot is I allow the plaintiff's claim in terms of prayers. (a) and (c) only, of the amended plaint dated 7/11/2023, that is:
- (a) A declaration that the land comprised in Title No. West Pokot Keringet "A"/89 solely belongs to the estate of the late Lomaria Kotoruk alias Plimo Kotoruk.
 - (c) A permanent injunction to restrain the defendant, his agents, and or servants from ever again interfering with the plaintiff's land parcel No. West Pokot Keringet "A"/89.
61. Vacant possession to be handed over within 3 months from the date hereof otherwise eviction orders are to be issued at the expense of the defendant.
62. The defense and counterclaim are dismissed.
63. There shall be no orders as to costs.
64. Orders accordingly.

JUDGMENT DATED, SIGNED, AND DELIVERED VIA MICROSOFT TEAMS/OPEN COURT AT KITALE ON THIS 16TH DAY OF JUNE 2025.

In the presence of:

Court Assistant - Dennis

Parties present

Miss Mufutu for Kiarie for the Plaintiff present

Ingosi for the Defendant present

HON. C.K. NZILI

JUDGE, ELC KITALE.

