



**Olowasa v Mbuva (Environment and Land Miscellaneous Case  
E032 of 2024) [2025] KEELC 8552 (KLR) (4 December 2025) (Judgment)**

Neutral citation: [2025] KEELC 8552 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO  
ENVIRONMENT AND LAND MISCELLANEOUS CASE E032 OF 2024  
LC KOMINGOI, J  
DECEMBER 4, 2025**

**BETWEEN**

**JOSHUA KINTEI OLOWASA ..... APPLICANT**

**AND**

**ANTONY MBUVA ..... RESPONDENT**

**JUDGMENT**

1. This Judgement is in respect of the Notice of Motion dated 18<sup>th</sup> June 2024 brought under (Sections 152a, 152b, 152e, 152f, and 152g of the *Land Act*, No. 6 of 2012, Laws of Kenya: Sections 1A and 3A of the *Civil Procedure Act*, Cap 21 of the Laws of Kenya: Order 51 Civil Procedure Rules and all the enabling Provisions of the Law).
2. It seeks orders;
  1. That, this Honourable Court be pleased to issue orders of eviction of the Respondent from the parcel of land known as Plot No. A27 Formally (2 Residential) (Hereinafter referred to as (“the suit property”) and for vacant possession of the property be delivered to the Applicant.
  2. That, Auctioneers do effect and execute the above eviction order
  3. That, the Officer Commanding Station (OCS) Isinya Police Station do provide security during the eviction.
  4. That, the costs of this application be provided for.
3. The grounds are on the face of the application and are set out in paragraphs a to e.
4. The Notice of Motion is supported by the affidavit of Joshua Kintei Olowasa, the applicant herein sworn on the 18<sup>th</sup> June 2024.



5. The Application is opposed. There is a Replying Affidavit sworn by the Respondent herein on the 17<sup>th</sup> October 2024.
6. On the 28<sup>th</sup> January 2025 the court with the consent of the parties directed that the Notice of Motion be canvassed by way of written submissions.
7. I have considered the Notice of Motion, the Affidavit in support, the response thereto and the rival submissions. The issue for determination is whether the same is merited.
8. It is not in dispute that the suit property is registered in the name of the Applicant. The claim by the Respondent. That he brought the same was not supported by any evidence.
9. The Respondent's claim that he has been in occupation of the suit property for over twenty (20) years has also not been supported by any evidence.
10. I find that the Applicant has made out a good case for the grant of the orders sought.
11. I find merit in this application and I grant the orders sought namely;
  - a. That an order of eviction is hereby granted requiring the Respondent to vacate the Applicant's parcel of land known as Plot No. A27 (Formerly 2 Residential) within sixty (60) days from the date of this Judgement.  

In Default the Applicant be at liberty to use lawful means to evict the Respondent.
  - b. That the Auctioneers do give effect to (a) above.
  - c. That the OCS Isinya Police Station do provide security during the said exercise.
  - d. The Applicants shall have costs of the suit.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT KAJIADO THIS 4<sup>TH</sup> DAY OF DECEMBER 2025.**

**L. KOMINGOI**

**JUDGE**

In The Presence Of:

Ms. Njoroge for Mr. Ntete for the Applicant.

Ms. Wanjala for the Respondent.

Court Assistant – Peter.

