



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT MERU

ELC CASE NO. 302 OF 2017

JOHN MUTUMA M'IKIAO.....PLAINTIFF

VERSUS

KIUNGA S/O KIRERA.....DEFENDANT

JUDGMENT

1. Vide the originating summons filed on 15.10.2017, plaintiff is claiming entitlement to land parcel No. Abothuguchi/Katheri/1195 by way of adverse possession. The land measures 0.332 hectares.
2. The suit documents were served upon defendant vide substituted service through the Daily Nation Newspaper of 2.11.2018. The matter hence proceeded as a formal proof.
3. Plaintiff avers that his father M'Ikiao M'Baichu owns land parcel no. Abothuguchi/Katheri/417 whereby land parcel No. 1195 is inside his father's land at a corner. He avers that since 1990 when he finished school, he has been utilizing this land parcel No. 1195. He did a search and learnt that the parcel No. 1195 belonged to defendant. He produced the green card for the suit land as his evidence. Plaintiff avers that he has planted trees and fruits on the suit land and that is where he has put up his home.
4. I find that plaintiff's claim is uncontroverted. If plaintiff has utilized the suit land since 1990, then 29 or so years have lapsed.
5. I therefore find that plaintiff has met the criteria of an adverse possessor.
6. Final orders;

(1) It is hereby declared that plaintiff has become entitled to land parcel No. Abothuguchi/Katheri/1195 by way of adverse possession.

(2) An order is hereby issued for plaintiff to be registered as owner of parcel no. Abothuguchi/Katheri/1195.

(3) No orders as to costs.

(4) The Deputy Registrar of the court is directed to sign all requisite documents to facilitate the aforementioned registration.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS DAY OF 15TH MAY, 2019

IN THE PRESENCE OF:-

C/A: Kananu

Murira holding brief for Mwenda Mwarania for plaintiff

Plaintiff

HON. LUCY. N. MBUGUA

