

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO. 214 OF 2017

FORMERLY MERU ELC. 137 OF 2013

MAKUNYI RWANDA.....PLAINTIFF

VERSUS

RUTH KARAUKI AYUB..... DEFENDANT

JUDGMENT

1. When the suit came up for hearing, only the plaintiff attended. The suit was called on outside court and the defendant was nowhere to be found.
2. This suit was filed in May, 2013 and has been pending hearing and determination for over 4 years.
3. The last time this suit was slated for hearing on 27.11.2017, the plaintiff's advocate lamented that the suit had taken too long to be heard because his client, the defendant was not cooperative. He expressed his wish to cease acting for the plaintiff.
4. The plaintiff has told the court that he is a poor person and that attending to this suit was threatening to render him destitute. He prayed that this suit be allowed and judgment be entered in his favour.
5. In terms of the provisions of Order 12 Rule 2, I find that hearing notice had been properly issued. I find that no good cause TO NOT hear the suit exparte has been shown.
6. The plaintiff having been heard exparte, judgment is entered for him in the following terms:
 - a) The defendant is obliged to transfer land parcel No. SOUTH THARAKA/TUNYAI "A"/2788 to the plaintiff.
 - b) An order is hereby issued that the defendant transfers land parcel No. SOUTH THARAKA/TUNYAI "A"/2788 to the plaintiff failing which the Executive Officer of this court is ordered to execute all apposite documents necessary for the implementation of this order.
 - c) Costs are awarded to the plaintiff.

Delivered in open court at Chuka this 22nd day of January, 2018 in the presence of:

CA: Ndegwa

Makunyi Rwanda – plaintiff

P.M. NJOROGI

JUDGE