



REPUBLIC OF KENYA.

IN THE HIGH COURT OF KENYA AT BUNGOMA.

ELC. CASE NO. 168 OF 2016.

BEATRICE NANJALA WAMALWA.....1ST PLAINTIFF

PATRICK NAPWORA MUNYOLE.....2ND PLAINTIFF

JULIET NASPONDI NAPWORA.....3RD PLAINTIFF

VERSUS.

TOM MAKHANU WEKESA.....1ST DEFENDANT

NYONGESA WEKESA PEPELA.....2ND DEFENDANT

MASIKA WEKESA.....3RD DEFENDANT

MESHACK MULONGO WEKESA.....4TH DEFENDANT

PRISCILA NAMALWA.....5TH DEFENDANT

RULING.

[1] This application is brought under Order 40 Rule 1 and Order 51 of the Civil Procedure Rules.

The applicant prays that pending the determination of this application inter partes that the defendants herein through them or their agents or anyone acting through them be restrained from burying/interring the remains of SILAS WASWA WEKESA deceased on Land Parcel No. E. Bukusu/N. Sangalo/860 and in the alternative the remains of the said person be exhumed from the said land.

[2] This application is grounded on the grounds stated in that application which Madam Wakoli relied on.

[3] Madam Change relied on the grounds of opposition filed therein.

[4] A Judgment in respect of the Suit land was delivered by this court on 15th July 2015. The suit land was awarded to Beatrice Nanjala Wamalwa the applicant herein. The respondents who were the plaintiffs were evicted from the land. They left and have come to invade the land inspite of the Judgment and court orders.

The applicants application has merit and is allowed.

It is so ordered.

Judgment read in Open Court in the presence of the Counsels.

Dated at Bungoma this 10th day of January, 2018.

S. MUKUNYA

JUDGE

In the presence of:

Chemutai - Court Assistant

Madam Wakoli for the Plaintiff

Madam Chungu for the Respondent