

REPUBLIC OF KENYA.

IN THE HIGH COURT OF KENYA AT BUNGOMA.

ELC. CASE NO. 107 OF 2016.

BENARD KHAEMBA WEKESA.....PLAINTIFF

VERSUS.

EMMANUEL WASIKE.....DEFENDANT

JUDGMENT.

[1] The plaintiff filed this suit and stated that the defendant without the implied knowledge and consent from the plaintiff has encroached into the plaintiffs parcel of land and erected thereon houses and started to live there. He applied for an eviction order to be issued against the defendants with costs and interest.

[2] The defendant did not file any pleadings. A request for Judgment was made on 15/3/2017 and the Deputy Registrar of the court made an order that since the case was not for pecuniary damages the matter should be set down for formal proof under order 10 rule 9 of the Civil Procedure Rules.

[3] The case was fixed for Hearing on 27/4/2017. The defendant did not attend. The defendant relied on his statement filed in court. In his statement the plaintiff had stated that the suit land was transferred to him by his father prior to his father's death. That on 20/8/2016 he went to the land and found out that the defendant herein Emmanuel Wasike had occupied his land and obstructed him from fencing the said land.

[4] The plaintiff claim in the Plaint is not opposed. The defendant had been served with the pleadings and opted not to oppose the claim. I allow the plaintiffs claim on the plaint as prayed with costs.

It is so ordered.

Judgment read in Open Court.

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

S. MUKUNYA.

JUDGE.

In the presence of:

Chemutai - Court Assistant

Plaintiff - Absent

Defendant - Present