

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT

AT MACHAKOS

ELC. CASE NO. 8 OF 2016

SHEM ARUNGU ARIWIPLAINTIFF

VERSUS

JANE MUMBUA KIOKODEFENDANT

JUDGMENT

1. In the Complaint dated 18th January, 2016, the Plaintiff averred that he is the owner of a parcel of land known as Mavoko Town Block 3/42453; that the Defendant trespassed on the said land and that an order of eviction should issue.
2. Although the Defendant was served with the Summons to Enter Appearance, he neither entered appearance nor filed a Defence.
3. The matter proceeded for hearing on 9th October, 2017 in which the Plaintiff informed the court that he purchased the suit land from Elizabeth Mutio Mutisya vide an agreement dated 6th September, 2013 and 5th November, 2013.
4. After paying the entire purchase price, PW1 informed the court that he obtained a Title Deed and that when he started fencing the land, he became aware of the Defendant's presence of the land.
5. In the submissions, the Plaintiff's advocate submitted that the Plaintiff purchased the suit land for Kshs. 7,245,000 and that he is the lawful owner of the land.
6. Considering that the Defendant has not rebutted the Plaintiff's evidence, and in view of the Title Deed for the suit land which shows that the land was registered in favour of the Plaintiff on 10th March, 2015, I allow the Complaint dated 18th January, 2016 as prayed.

DATED, DELIVERED AND SIGNED IN MACHAKOS THIS 2ND DAY OF MARCH, 2018.

O.A. ANGOTE

JUDGE