



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT NAIROBI**

**ELC CIVIL SUIT NO. 1168 OF 2015**

**GEORGE MAHUGU WANJIRU.....PLAINTIFF**

**VERSUS**

**JOSEPH MWONGERI.....DEFENDANT**

**JUDGMENT**

1. On 28/10/2015, the plaintiff, George Mahugu Wanjiru, brought this suit contending that he was the owner of “Plot No. 146 of Land Parcel LR Ngong/Ngong/4798” **(the suit property)**. His case was that the defendant had laid claim to the suit property and had interfered with his quiet possession of the suit property. He sought a permanent injunction restraining the defendant against interfering with or trespassing on the suit property. He also sought general damages. Despite service of summons, the defendant did not file a defence. Consequently, the suit was heard as an undefended cause.

2. At the hearing, the plaintiff adopted his written witness statement in which he stated that he bought the plot from one Lucy Wanjiru Wangari. He further stated that the defendant was laying claim to the suit property and he had interfered with his quiet possession of the suit property. He produced, among other document; an agreement for sale between Lucy Wanjiru Wangari and himself; an acknowledgement of final payment from Lucy Wanjiru Wangari; an informal transfer Form from Ruaraka Sabuni Development Co. Limited; Informal certificate No. 311; Informal certificate No. 326; and Demand Notice dated 8/9/2015.

3. I have considered the uncontroverted evidence of the plaintiff. It does appear that Plot No. 146 is part of a larger registered parcel of land known as Ngong/Ngong/4798. It is not clear who the registered proprietor of that larger registered parcel is. Neither the title nor an official search was tendered in evidence in respect of the larger registered title.

4. Similarly, although the plaintiff sought general damages, nothing was tendered in evidence to support the plea for general damages. Nothing was said about this limb in submissions. In the absence of evidential and/or legal basis, the claim for general damages fails

5. In the absence of any controverting evidence from the defendant, I hereby, grant prayer (a) of the plaint against the defendant. The plaintiff shall have costs of this suit.

**DATED, SIGNED AND DELIVERED AT NAIROBI ON THIS 6TH DAY OF JULY 2018.**

**B M EBOSO**

**JUDGE**