



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT NAROK

ELC CAUSE NO. 58 OF 2017

ITUIKU FARMERS CO. LTD.....PLAINTIFF

-VERSUS-

ELIJAH MISOI.....1ST DEFENDANT

SIMON KIMETTO.....2ND DEFENDANT

JOSEPH KOECH.....3RD DEFENDANT

JUDGEMENT

The Plaintiff a limited liability company had commenced this suit against the defendants by way of a plaint dated 15th November, 2013. The Defendants were sued under their capacity as officials of chemalungtany farmers.

The Plaintiff alleges that sometime in 1995, the then Chairman one Stephen Kirie fraudulently purported to enter into a Sale Agreement with the Defendant for the sale of a parcel of land known as **NAROK/CIS MARA/OLOLULUNGA/137** measuring 82 hectares. It is the Plaintiff's case that the purported sale was fraudulent as no resolution of the company was obtained to sell the land to the Defendants and further that the consent of the Land Control Board was not obtained.

The Defendant was served with the plaint but had not entered appearance and nor filed his defence.

During the hearing of the suit the Plaintiff called one witness to testify namely Geoffrey Mungai Kubwa who stated that he was the chairman of the Plaintiff Company.

In his evidence in chief PW 1 stated that the plaintiff was a Land Company and it has title to the suit land that there former chairman one Stephen Kiarie supposedly attempted to sale to the Defendants in which he was not authorized.

That the Defendants moved into the suit land in 2006 and they continue to occupy and cultivate the land to their detriment.

The Plaintiff pray that the court do issue an order of eviction and damages for trespass to the land.

The Plaintiff case is thus undefended and uncontested and hence the Plaintiff title remains unchallenged and in view of the above I will enter judgement against the Defendant in the following terms:-

- 1. That an order of eviction do issue against the Defendants, its members and any person**

claiming title under the Defendant to vacate the plaintiff parcel of land NAROK CIS MARA/OLOLULUNGA/137 within 120days from the date of this judgement.

2. That any eviction during the lapse of the said period be carried out in strict compliance with the provisions of section 152(a) to (g) of the Land Act Revised 2016.

3. The costs of the suit to the plaintiff.

It is so ordered.

Dated, Signed and Delivered in open court at **NAROK** on this **27th** day of **July 2017**

Mohammed Noor Kullow

Judge

27/7/17

In the presence of:-