



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT KITALE

LAND CASE NO. 58 OF 2016

LONGURA KONGELAI.....PLAINTIFF

VERSUS

CHEPOSEKOR RIONNGOLE RENGONO1ST DEFENDANT

SOLOMON RIONNGOLE REN.....2ND DEFENDANT

JUDGMENT

1. In his plaint dated 11/3/2016, the plaintiff sought an order of mandatory injunction requiring the defendants and their agents to remove themselves from the land known as **Plot No. 188 in Kanyarkwat Group Ranch** situated in **Napawoi area** in West Pokot County and in default thereof the defendants be evicted from the suitland.

2. The affidavit of service of one George Mumali, a process server of this court was filed on 4/5/2016 as proof of service that the defendants had been served with the summons to enter appearance, plaint and other related documents before the hearing date. The suit came up for formal proof on 2/10/2017 when Mr. Wafula holding brief for Mr. Katama, led the plaintiff in examination in chief.

3. The plaintiff's case is that the defendants have trespassed onto his land that is Plot No. 188 which measures about 50 acres. The plaintiff stated that the defendants invaded his land in the year 2012 when there was insecurity in the area. The plaintiff had gone away from the land owing to insecurity and when he came back he found that the defendants had occupied his land.

4. The plaintiff produced a Land Adjudication Form dated 4/9/2014 showing that the land had been demarcated by the Village Elders' Ranch Committee in his favour. The plaintiff testified that the chief had convened a sitting of the elders which had found that the land belonged to the plaintiff. The minutes of the meeting were produced as P. Exhibit 2. The plaintiff while adopting his written statement dated 11/3/2016 as his evidence-in-chief prayed that the orders in the plaint be granted.

5. The plaintiff's case is not opposed. I find that he has established that a meeting was held on 4/9/2011 and that at that meeting a resolution was arrived at to the effect that the plaintiff owned the land in question. I therefore find that the plaintiff has proved his case on a balance of probabilities. I consequently, I enter judgment for the plaintiff against the defendants jointly and severally and issue the following orders:-

1. An order of mandatory injunction requiring the defendants to remove themselves, their agents and property and any person claiming under them, from all that parcel of land known as parcel No. 188 on the Kanyarkwat Group Ranch situate in Napawoi area in West Pokot

County and in default, the defendants be forcefully evicted therefrom.

2. The costs of this suit shall be borne by the defendants.

It is so ordered.

Dated, signed and delivered at Kitale on this day of 2017.

MWANGI NJOROGE

JUDGE

30/10/2017

CORAM:

Before Mwangi Njoroge - Judge

Court Assistant – Isabellah/Picoty

Plaintiff in person present though his counsel is absent

COURT

Judgement read in the presence of the plaintiff.

MWANGI NJOROGE

JUDGE

30/10/2017