



**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT AND LAND COURT AT NAIROBI**

**ELC SUIT NO. 132 OF 2013**

**SOFIA WANJIRU KAMAU.....PLAINTIFF**

**VERSUS**

**1. NJOKI KAMAU**

**2. IRENE WAMBURA**

**3. PETER GAKUNA**

**4. JOHN KAMAU NDUATI.....DEFENDANTS**

**JUDGMENT**

The plaintiff is the registered owner of all that parcel of land known as L.R. No. 36/V/37 situated at Mlango Kubwa, Nairobi (hereinafter referred to as “the suit property”).The plaintiff brought this suit against the defendants on 28<sup>th</sup> January 2013 seeking the following reliefs:-

- a) Vacant possession.
- b) Mesne profits.
- c) Costs of the suit.
- d) Any other relief this honourable court may deem fit to grant.

In her plaint dated 28<sup>th</sup> January 2013, the plaintiff stated as follows. She purchased the suit property from a company known as Mathare Quick Services Limited on 3<sup>rd</sup> October 1997. After purchasing the suit property, the property was transferred and registered in her name. She was thereafter issued with a certificate of title. She took possession of the suit property and has over the years been paying rates to the Nairobi City Council in respect of the suit property. After acquiring the suit property, she left Nairobi due to old age to go and stay in her rural home. In her absence, the defendants entered onto the suit property without her permission, occupied the same and unlawfully constructed semi-permanent structures thereon. The defendants have refused to vacate the suit property even after a demand was made upon them to do so. The defendants were served with summons to enter appearance but neither entered appearance nor filed a statement of defence.

When the suit came up for hearing on 20<sup>th</sup> March, 2017, the plaintiff gave evidence and closed her case without calling any witness. The plaintiff reiterated the contents of the plaint. The plaintiff told the court that she purchased the suit property from Mathare Quick Services Limited. The property was thereafter

