



**REPUBLIC OF KENYA.**

**IN THE HIGH COURT OF KENYA AT BUNGOMA.**

**ELC. CASE NO. 16 OF 2017.**

**MANEA NASIKE SINDANI.....PLAINTIFF**

**VERSUS.**

**JULIUS KUCHIKHI.....DEFENDANT**

**JUDGMENT.**

[1] The plaintiff in this case is the daughter of Sindani Siamukoya Deceased who died in 1980. The said Siamukoya was the registered owner of the land parcel No. Bokoli/Chwele/79. A Succession Cause was filed for the Letters of Administration of the estate of the said Sindani Siamukoya vide Bungoma Succession Cause No. 284 of 2013. The plaintiff was appointed as the administrator of the estate. Later, the heirs and their shares were identified. The plaintiff was entitled to 2½ acres. She claims that the defendant who was not a heir or a person entitled has refused to move out of her portion of 2½ acres. That the entire land of the deceased has been subdivided and everyone knows her portion on the ground.

The defendant only claim to the portion is that he has been on the land since 1981 and therefore he asserts that he will not move out of the land. A copy of the confirmation of Grant produced in Court by the High Court in Bungoma, shows the heirs and their respective shares. It confirms the evidence and assertion of the Plaintiff.

[2] The defendant has no reasonable claim to be on the 2½ acres given to the defendant in LR Bokoli/Chwele/79. The plaintiff has proved her case. I grant her the prayers in her plaint. I do order the eviction of the defendant from the suit land forthwith. The defendant shall move out and vacate the land within 30 days from the date hereof failing which he will be forcibly evicted by the plaintiff and Court broker with the help of the O.C.S. Chwele police station. The plaintiff shall have the costs of this suit.

**Dated at Bungoma this 4<sup>th</sup> day of October, 2017.**

**S. MUKUNYA**

**JUDGE.**

**In the presence of:**

Court Assistant: Gladys/Joy

Plaintiff - Present

Defendant - Present