



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT KITALE

LAND CASE NO. 118 OF 2017

JOHN TUKEI LONGUROKOL.....PLAINTIFF

VERSUS

GEOFREY MEPRO CHEPSHOKAN.....DEFENDANT

JUDGMENT

1. The plaintiff brought this claim against the defendant vide a plaint dated 4/7/2017. In that plaint, he sought the following orders:-

(a) A declaration that the defendant by themselves, their servants and/or agents or any other person claiming through them have no proprietary interest in land known as West Pokot/Kisaunet/695 and should vacate the same and/or forcefully be evicted.

(b) A permanent injunction restraining the defendants either by themselves or through their agents or servants or any other claiming through them or acting on their behalf as the case maybe from cultivating, cutting trees, erecting, constructing or putting up a building, or any structure or improvements or whatever nature or damaging or committing acts of waste or any other manner whatsoever, interfering with the plaintiffs user and occupation of the land parcel comprised West Pokot/Kisaunet/695.

(c) Costs of the suit

(d) Interest

(e) Any other relief this honourable court may deem fit and just to grant.

2. According to the plaint and his oral evidence, the plaintiff's case is that he is the registered owner of all that land known as **West Pokot/Kisaunet/695** measuring approximately **4.30 Ha**; that the said land was bequeathed to him by his mother through a will in the **year 1992**; that the plaintiff has followed all the necessary procedures and obtained title to the land in his name; that the defendant has no right to live on or develop the suit land and yet he has trespassed onto and has been in wrongful occupation of the suit land.

3. I am satisfied that the defendant was served with summons as per the affidavit of service of one Wycliffe Juma, filed on 28/7/2017. The defendant has not opposed the plaintiff's claim. The plaintiff testified on 9/7/2017. He produced the original title deed in respect of **West Pokot/Kisaunet/695**. It shows that he is the registered owner. He also produced the certified copy of the adjudication proceedings for the area. It shows that **Mrs. Cheplegei Ariangornyang** who the plaintiff testified was his mother, lodged a complaint and was awarded a portion of **Plot No. 77 in Kishaunet Adjudication**

Section Case No. 9/74-75.

All in all the bundle of documents produced by the plaintiff are in my view sufficient evidence that the plaintiff is the registered owner of the suitland. I therefore enter judgment in favour of the plaintiff against the defendant and granted **prayers Nos. (a) (b) and (c)** in the plaint dated **4/7/2017**.

Dated, signed and delivered at Kitale on this **20th** day of **December, 2017**.

MWANGI NJOROGE

JUDGE

20/12/2017

Before - Mwangi Njoroge -Judge

Court Assistant - Isabellah

N/A for the parties

COURT

Judgment read in open court in the absence of the parties who had been notified.

MWANGI NJOROGE

JUDGE

20/12/2017