



REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT

AT MOMBASA

ELC CAUSE NO. 39 OF 2017

SHEILA OKANGA.....PLAINTIFF

VERSUS

EVANS ALWAR.....DEFENDANT

JUDGMENT

1. The Plaintiff filed this suit against the Defendant seeking;

- a. Kshs128,383/=.
- b. Vacant possession of the premises the Defendants occupying within Plot No. 623/1/MN within Maweni, Kongowea.
- c. Mesne profit at Kshs.15,000/= per month.
- d. Costs of the suit and interest.

2. The Defendant who was duly served with copies of plaint and summons to enter appearance neglected to enter appearance and/or file defence within the prescribed period. Interlocutory judgment was then entered and the matter proceeded to formal proof.

3. It is the Plaintiff case that the Defendant was her tenant on Plot No. 623/1/MN, Maweni, Kongowea. The Defendant was paying Kshs.15,000 per month. That the management of the premises and the rent collection was being undertaken by M/s Elegant Investments (1996) Limited. She produced two letters written by the agents to the Defendant as exhibits P1a, and b respectively. These letters confirm the Defendant was a tenant in the said premises.

4. She further told the court that the Defendant is in rent arrears from May 2016 amounting to Kshs.345,000/=.

5. She also seeks electricity charges amounting to Kshs29,902.15/=. The receipts were produced as exhibits P2.

6. The Plaintiff later instructed her Advocate to write a demand letter to the Defendant. The same is dated 12th January, 2017. The same was produced as exhibit P3.

7. The Plaintiff's case has not been controverted. I find that the Plaintiff has proved her case against the Defendant on a balance of probabilities.

8. I enter judgment in her favour as against the Defendant as follows;

- a. Kshs.345,000.
- b. Vacant possession of the premises the Defendant is occupying within Plot No.623/1/MN within Maweni, Kongowea.
- c. Kshs.29,902.15/= being electricity charges.
- d. Costs of the suit and interest.

It is so ordered.

DATED, SIGNED and DELIVERED at Mombasa on the 13th day of December, 2017.

L. KOMINGOI

JUDGE

13/12/2017