



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

**AT KERICHO**

**CIVIL SUIT NO.2 OF 2014**

**TEGAT TEA FACTORY.....PLAINTIFF**

**VERSUS**

**JOSHUA CHERUIYOT SIGEI.....DEFENDANT**

**RULING**

***(Application for eviction; judgment entered against the defendant; defendant given time to give vacant possession; defendant not vacating the suit land; order for eviction issued)***

The plaintiff is the registered owner of the land parcel Molo South/Ikumbi Block 11 (Tachasis)/9. This land measures about 70.37 acres and was purchased by the plaintiff from the previous registered owner. When the plaintiff went to take possession of the land, they found the defendant on the land and he refused to relocate. This prompted the plaintiff to file this suit seeking the eviction of the defendant.

The defendant did not enter appearance nor file defence and the matter proceeded ex-parte. Judgment was entered for the plaintiff on 27 March 2015. The defendant was given 7 days upon service of the judgment to vacate the suit land and in default the plaintiff was at liberty to apply for his eviction.

Through an application dated 25 May 2015, the plaintiff has now formally applied for the eviction of the defendant. It is averred that the judgment was served upon the defendant on 25 April 2015 but the defendant has failed to move out. The application was served upon the defendant who did not file anything to reply to it.

I can see that through the judgment on record, the defendant was given time to vacate the suit premises. He has failed to do so. The only way for the plaintiff to enjoy the fruits of its judgment is to have the defendant evicted.

I have no reason to decline this application. It is hereby allowed and an order of eviction is hereby issued. The plaintiff has applied to have the firm of Hegeons Agencies who are auctioneers and court bailiffs to execute the order of eviction. The said firm is hereby directed to execute this order of eviction. I further order the OCS Kuresoi Police Station to provide security to the court bailiff while executing this order of eviction.

The plaintiff shall also have costs of this application.

It is so ordered.

**DELIVERED, DATED AND SIGNED AT KERICHO THIS 28<sup>TH</sup> DAY OF OCTOBER, 2016.**

**MUNYAO SILA**

**JUDGE**

**ENVIRONMENT & LAND COURT**

In the presence of:-

Mr. Caleb Koech for Plaintiff

No Appearance for Defendant

G. Wambany Court assistant