



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NYERI**

**ENVIRONMENT AND LAND COURT**

**E.L.C. NO.168 OF 2013**

**EDWARD MUGAMBI KAIRANYA.....PLAINTIFF**

**VERSUS**

**IBRAHIM M'IMANENE M'IGWETA.....DEFENDANT**

**J U D G M E N T**

The plaintiff is the registered proprietor of ***L.R. No.Gakawa/Kahurura/Block III/203***. He claims that in the year 2007 the defendant without any colour of right or plaintiff's permission trespassed into the plaintiff land and built a semi-permanent house thereon. The plaintiff's claim against the defendant and his family member is for an order of eviction and permanent injunction restraining the defendant and his family members from trespassing into the plaintiff's ***L.R. No.GAKWA/KAHURURA/BLOCK III/203***. The plaintiff avers that there is no other suit pending between the parties.

The defendant neither entered appearance nor filed defence. Interlocutory judgment was entered hence the matter was slated for formal proof on 28/2/2014.

The plaintiff testified in English and stated that he knew the defendant in the year 2007. The defendant entered the plaintiff's shamba in the year 2007 and built a temporary structure and brought his family on the parcel of land thus ***Gakawa/Kahurura/Block 3/203***.

He produced a title deed as evidence that he was the proprietor of the parcel of land. The court was also shown the official certificate of search. The plaintiff gave the defendant notice to vacate but the letter did not do so.

He seeks the court to issue an order of eviction of the defendant and his family members from ***L.R. No.GAKAWA/KAHURURUA/BLOCK III/203*** and costs of this suit.

The defendant having failed to appear and file defence and the plaintiff's evidence being the only available evidence, the court finds the same to be uncontroverted.

The plaintiff has proved on a balance of probabilities that he is registered as the absolute proprietor of the land ***Gakawa/Kahurura/BLK 3/203*** and therefore has indefeasible title to the property. The defendant on the other hand is a trespasser.

The upshot of the above is that judgment is entered for the plaintiff and an order of eviction is issued to the plaintiff against the defendant as prayed in the plaint with costs to the plaintiff. Orders accordingly.

***Dated, signed and delivered on 9th day of May 2014.***

**A. OMBWAYO**

**JUDGE**