

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT OF KENYA AT ELDORET

E&L 424 OF 2012

Formerly HCC 57 of 2008

RUSY JESEREM KIRUI.....PLAINTIFF

VS

FRANCIS CHEPSIROR KIPCHIRCHIR.....DEFENDANT

(Application for an eviction order; defendant having failed to move out of the suit land despite being ordered to do so in the decree; application allowed)

RULING

The application before me is that dated 25 September 2013 filed by the successful plaintiff. It seeks orders to have the defendant evicted from the land parcel Moi's Bridge/Sirikwa Block 2 (Ziwa)/540.

In the suit, the plaintiff had inter alia sought orders to have the defendant evicted from the suit land and a permanent injunction to restrain him from any further interference on the suit land. The matter proceeded for hearing and I gave judgment for the plaintiff on 20 June 2013. I ordered the defendant to vacate within 7 days of the judgment and also issued orders of permanent injunction restraining him from any further interference with the suit land. In this application, the plaintiff contends that despite being served with the decree, the defendant has refused to move out of the suit land.

I have perused the application and the orders sought. Since the defendant has failed to move out as ordered in the decree, I do not hesitate to issue an order that the defendant be evicted from the suit land forthwith. I direct the plaintiff to appoint a court bailiff to execute the order of eviction and further order the OCPD Ziwa Police Station to provide security.

The defendant shall bear the costs of this application.

It is so ordered.

DATED AND DELIVERED AT ELDORET THIS 10TH DAY OF JULY 2014

JUSTICE MUNYAO SILA

ENVIRONMENT AND LAND COURT AT ELDORET

Delivered in the presence of:

Mr. E.M. Balaongo for plaintiff/applicant.

N/A for defendant/respondent