



Athi Plains Holdings Limited v Kirsteen Holdings Limited & another (Environment & Land Case 38 of 2022) [2024] KEELC 1542 (KLR) (13 March 2024) (Judgment)

Neutral citation: [2024] KEELC 1542 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MACHAKOS
ENVIRONMENT & LAND CASE 38 OF 2022
A NYUKURI, J
MARCH 13, 2024**

BETWEEN

ATHI PLAINS HOLDINGS LIMITED PLAINTIFF

AND

KIRSTEEN HOLDINGS LIMITED 1ST RESPONDENT

MILTONIC MWENDWA KIMANZI KITUTE 2ND RESPONDENT

JUDGMENT

1. Vide a plaint dated 24th May 2022, Athi Plains Holdings Limited filed suit against Kirsteen Holdings Limited and Miltonic Mwendwa Kimanzi Kitute, who are a company and its sole director respectively; seeking the following orders;
 - a. A declaration that any certificate of Title/lease in respect of the subject properties in the name of the Defendants herein was un-procedurally, fraudulently and illegally obtained and ought to be cancelled.
 - b. A declaration that the Plaintiff herein is the rightful owner of all the subject properties listed in the schedule.
 - c. An order of permanent injunction restraining the Defendants either by themselves, their agents, servants, employees and/or any person acting on the Defendant's authority from trespassing, entering, encroaching and/or interfering with all the parcels of land subject to this suit.
 - d. An order of eviction and/or vacation of the Defendants and their agents from the suit properties and said orders to be effected by the Officer Commanding Athi River Police Station with reinforcement from the inspector General National Police Service as necessary to supervise and ensure enforcement of the order.



- e. Costs and interests of the suit from the date of filing of suit at court rates.
 - f. Any other or further relief and his honourable court may deem fit and proper to grant.
2. The Plaintiff averred that on 28th October 1996, it purchased the parcel of land known as L.R. No. 8784/1 in Mavoko Municipality in Athi River, within Machakos County and had the same subdivided into 34 plots each measuring 2.00 Hectares. Further that titles for the 34 plots were issued to the plaintiff on 4th November 1996. And that the titles issued were Nos. I.R. No. 71287 L.R. No. 8784/66; I.R. No. 71288 L.R. No. 8784/67; I.R. No. 71289 L.R. No. 8784/68; I.R. No. 71290 L.R. No. 8784/69; I.R. No. 71278 L.R. No. 8784/70; I.R. No. 71279 L.R. No. 8784/71; I.R. No. 71280 L.R. No. 8784/72; I.R. No. 71281 L.R. No. 8784/73; I.R. No. 71282 L.R. No. 8784/74; I.R. No. 71284 L.R. No. 8784/75; I.R. No. 71286 L.R. No. 8784/76; I.R. No. 71283 L.R. No. 8784/77; I.R. No. 71256 L.R. No. 8784/78; I.R. No. 71257 L.R. No. 8784/79; I.R. No. 71258 L.R. No. 8784/80; I.R. No. 71259 L.R. No. 8784/81; I.R. No. 71260 L.R. No. 8784/84; I.R. No. 71261 L.R. No. 8784/85; I.R. No. 71262 L.R. No. 8784/86; I.R. No. 71263 L.R. No. 8784/87; I.R. No. 71270 L.R. No. 8784/88; I.R. No. 71271 L.R. No. 8784/89; I.R. No. 71272 L.R. No. 8784/90; I.R. No. 71273 L.R. No. 8784/91; I.R. No. 71275 L.R. No. 8784/92, I.R. No. 71274 L.R. No. 8784/93; I.R. No. 71276 L.R. No. 8784/94; I.R. No. 71277 L.R. No. 8784/95; I.R. No. 71266 L.R. No. 8784/96; I.R. No. 71267 L.R. No. 8784/97; I.R. No. 71268 L.R. No. 8784/98; I.R. No. 71269 L.R. No. 8784/99; I.R. No. 71264 L.R. No. 8784/100; I.R. No. 71265 L.R. No. 8784/101 (suit property). It stated that the plaintiff enjoyed peaceful occupation of the suit property from the time of purchase till January 2022 when the defendants unlawfully entered the suit property and began felling trees, putting up permanent structures, demarcating and selling it off and committing wanton wasteful acts thereon. It accused the defendants of fraudulently obtaining fake titles and CR 12 document indicating that the 1st defendant was registered in the year 2000 and obtained title of the suit property in 2008; when the company records show that the 1st defendant was registered in 2014. It stated that the defendants had barred the plaintiff from accessing the suit property.
 3. Simultaneous with filing the plaint, the plaintiff also filed an application seeking orders of temporary injunction pending the hearing and determination of the suit. Although the defendants entered appearance and participated in the application, which included filing a replying affidavit, they did not file any statement of defence or any other document. Upon hearing the application for injunction, the court made orders requiring parties to maintain the status quo pending hearing and determination of the suit.
 4. The matter proceeded by way of viva voce evidence.

Plaintiff's evidence

5. PW1 was Lazarus Njagi Migua, a shareholder and director of the plaintiff's company. He testified on 19th December 2023. He relied on, and adopted the contents of his witness statement filed on 24th May 2022 as his evidence in chief. It was his testimony that the plaintiff was incorporated on 23rd August 1995. Further that the plaintiff purchased the suit property from one Kimani Wa Nyoike, and subdivided the same into 34 plots each measuring approximately 2 Hectares. That the 34 titles issued were transferred to the plaintiff on 4th November 1996. Further that the 34 titles were registered as Title Nos. I.R. No. 71287 L.R. No. 8784/66; I.R. No. 71288 L.R. No. 8784/67; I.R. No. 71289 L.R. No. 8784/68; I.R. No. 71290 L.R. No. 8784/69; I.R. No. 71278 L.R. No. 8784/70; I.R. No. 71279 L.R. No. 8784/71; I.R. No. 71280 L.R. No. 8784/72; I.R. No. 71281 L.R. No. 8784/73; I.R. No. 71282 L.R. No. 8784/74; I.R. No. 71284 L.R. No. 8784/75; I.R. No. 71286 L.R. No. 8784/76; I.R. No. 71283 L.R. No. 8784/77; I.R. No. 71256 L.R. No. 8784/78; I.R. No. 71257 L.R. No. 8784/79; I.R.



No. 71258 L.R. No. 8784/80; I.R. No. 71259 L.R. No. 8784/81; I.R. No. 71260 L.R. No. 8784/84; I.R. No. 71261 L.R. No. 8784/85; I.R. No. 71262 L.R. No. 8784/86; I.R. No. 71263 L.R. No. 8784/87; I.R. No. 71270 L.R. No. 8784/88; I.R. No. 71271 L.R. No. 8784/89; I.R. No. 71272 L.R. No. 8784/90; I.R. No. 71273 L.R. No. 8784/91; I.R. No. 71275 L.R. No. 8784/92, I.R. No. 71274 L.R. No. 8784/93; I.R. No. 71276 L.R. No. 8784/94; I.R. No. 71277 L.R. No. 8784/95; I.R. No. 71266 L.R. No. 8784/96; I.R. No. 71267 L.R. No. 8784/97; I.R. No. 71268 L.R. No. 8784/98; I.R. No. 71269 L.R. No. 8784/99; I.R. No. 71264 L.R. No. 8784/100; I.R. No. 71265 L.R. No. 8784/101 (suit property).

6. He also averred that the plaintiff had enjoyed peaceful possession of the suit property from the time of purchase until 2022 when the defendants trespassed onto the land and started felling trees, putting up beacons, permanent structures, demarcating, selling off the properties and committing other wanton wasteful acts. That they did not stop even after the plaintiff placed a caveat public notice in the Daily Nation newspaper warning the public from purchasing the suit property.
7. According to the witness, the defendants had been using illegal forceful means and fraudulent documents to hoodwink the general public and obtaining money on false pretences. He stated that the plaintiff learnt of the fraud through a case filed by the defendants against the plaintiffs, being Mavoko ELC No. E016 of 2022 which was dismissed for lack of pecuniary jurisdiction.
8. PW1 also stated that the documents presented by the defendants indicated that the 1st defendant company was registered as a company in 2000, but on conducting a search, it was discovered that it was registered in 2014, thus the defendant's documents were forged. Further, he averred that in the said CR12, the 2nd defendant was named as the sole director, a position not possible in the year 2000 as per the law at that time. He also testified that the certificate of lease presented by the defendants indicated that the title was issued on 18th August 2008, even before the 1st defendant company was formed.
9. It was PW1's position that he had sought the assistance of the police, but that the defendants had continued with wanton destruction of the suit property and that they stood to suffer irreparable harm unless the said acts were stopped by the court. He produced the following documents in support of the plaintiff's case;
 - a. Certificate of incorporation of Athi Plains Holdings Ltd
 - b. CR12 with respect to Athi Plains Holdings Ltd
 - c. Certificate of title in respect of Kimani Wa Nyoike
 - d. Transfer instrument in favour of Athi Plains Holdings Ltd
 - e. Certificate of Title and subdivision schedule
 - f. Maps showing subdivision and registration
 - g. Bundle of 34 certificates of title in the plaintiff's name
 - h. Bundle of photographs showing trespass by defendants
 - i. Daily Nation newspaper extract of the public notice
 - j. Valuation report by ARK Consultants Ltd
 - k. Court Order
 - l. Daily Newspaper extract of the Public Notice.



- m. CR12 with respect to Kirsteen Holdings Ltd registration date 10th June 2000
 - n. CR12 with respect to Kirsteen Holdings Ltd registration date of 10th June 2014
 - o. Certificate of lease in respect of Kirsteen Holdings Ltd
 - p. Letter from registrar of companies dated 9th June 2022
 - q. Order in Mavoko ELC No. E016 of 2022
10. That marked the close of the plaintiff's case. As the defendant failed to attend court, although they had been served, the defence case was also marked as closed. The Plaintiff filed submissions in support of its case.

Plaintiff's submissions

11. Counsel for the Plaintiff submitted that the key issue in this suit was whether the plaintiff was the owner of the suit property. In that regard, counsel relied on section 26 of the [Land Registration Act](#) and submitted that the validity of the plaintiff's title was not contested in this case, and that the plaintiff's title being a good title deserves protection.
12. It was further submitted for the plaintiff that the plaintiff had proved that the defendants had trespassed on its land as proved by the photographs produced. Reliance was placed on section 24 of the [Land Registration Act](#) and the case of Kiplangat Shelisheli Mutarakwa v. Joseph Rotich Kones HC ELC No. 171 of 2014 for the proposition that a proprietor of land has rights thereto and it is a violation of those rights for the defendant to commit trespass on the suit property.
13. The court was further referred to the case of Peter Ngigi Kuria & Another v. Thomas Ondili Oduoi & Another Naivasha HCCC No. 47 of 2016, for the proposition that where the defendant fails to adduce evidence, then the plaintiff's evidence remains uncontroverted.

Analysis and Determination

14. The court has considered the pleadings, evidence and submissions filed in support of the plaintiff's case. The issues that arise for determination are;
- a. Whether the plaintiff is the lawful owner of the suit property.
 - b. Whether the defendants trespassed on the suit property.
 - c. Whether the plaintiff deserves the orders sought.
15. The burden of proof in a civil claim is upon the plaintiff as required under section 107 of the [Evidence Act](#). On the other hand, the standard of proof in a civil claim is on a balance of probabilities. The burden and standard of proof must be discharged and met respectively before any claimant's claim is allowed, whether or not the suit is defended. In the case of Miller v. Minister of Pensions 1947 All E.R. 372, Lord Denning in expounding what amounts to sufficient prove in a civil case puts this standard in the following terms: -

That degree is well settled. It must carry a reasonable degree of probability, but not so high as is required in criminal cases. If the evidence is such that the tribunal can say: We think it more probable than not; the burden is discharged, but, if the probabilities are equal, it is not. Thus, proof on a balance or preponderance of probabilities means a win, however narrow. A draw is not enough. So, in any case is which the tribunal cannot decide one way or the other which evidence to accept, where both parties'



explanations are equally (un) convincing, the party bearing the burden of proof will lose because the requisite standard will not have been attained.

16. Closer home, in *James Muniu Mucheru v National Bank of Kenya Ltd* C.A Civil Appeal No. 365 of 2017 [2019] eKLR, the Court of Appeal stated as follows: -

Indeed, it is settled law that in civil cases the standard of proof is on a balance of probability. This is in effect to say that the Courts will make a finding based on which party's version of the story is more believable.

17. In the instant case, the Plaintiff has averred through its pleadings that it purchased the suit property from one Kimani Wa Nyoike and thereafter subdivided the same into 34 parcels. These averments are supported by a transfer executed in favour of the plaintiff, as well as a schedule of the subdivision of the plots. Further, the Plaintiff produced 34 certificates of title in its name, which emanated from the subdivision of parcel 8784/1.

18. Section 26 of the *Land Registration Act* No. 3 of 2012 provides in regard to parties holding titles to land as follows;

Certificate of title to be held as conclusive evidence of proprietorship

(1) The certificate of title issued by the Registrar upon registration, or to a purchaser of land upon a transfer or transmission by the proprietor shall be taken by all courts as prima facie evidence that the person named as proprietor of the land is the absolute and indefeasible owner, subject to the encumbrances, easements, restrictions and conditions contained or endorsed in the certificate, and the title of that proprietor shall not be subject to challenge, except—

- (a) on the ground of fraud or misrepresentation to which the person is proved to be a party; or
- (b) where the certificate of title has been acquired illegally, unprocedurally or through a corrupt scheme...

19. Therefore, having title is proof of ownership, unless it is proved that the title was obtained by fraud, misrepresentation, want of procedure, or through a corrupt scheme.

20. In this case, the plaintiff produced the mother title in the name of Kimani Wa Nyoike, transfer instrument and its subsequent 34 titles showing how it acquired the suit property. On the other hand, the defendant did not file any defence or present any evidence to challenge the registration or legality of the plaintiff's titles. In addition, the plaintiff stated that the defendants invaded the suit property on the strength of forged certificate of title and CR12. The plaintiff's witness explained that he came across the fake documents held by the defendants when he was served with pleadings and documents in a suit filed by the defendants being Mavoko CMC ELC No. E016 of 2022, which suit was dismissed for want of jurisdiction. The defendants' documents served on the plaintiff were produced by the plaintiff and they are a certificate of lease dated 18th August 2008 and a CR 12 allegedly obtained from the registrar of companies. These are the same documents that the defendants attached to their replying affidavit filed in this matter in response to the plaintiff's application for temporary injunction. That indeed confirms that those are the documents relied upon by the defendants in regard to the suit property. To demonstrate that the defendants' documents are forged, the plaintiff produced CR12 in regard to the registration of the 1st defendant and a letter from the registrar of companies dated 9th June 2022 which showed that the 1st defendant was registered as a company on 10th June 2014, contrary to what is contained in the defendants' CR12 that the 1st defendant was registered in 2000.



21. The plaintiff's evidence was not controverted by the defendant who failed to file defence and evidence. From the evidence produced by the plaintiff, it is clear that the 1st defendant could not have lawfully been registered as owner of the suit property in 2008, when it only came into existence upon its registration as a company in the year 2014, because it could only own property after its registration and not before. The certificate of lease relied upon by the defendants although indicated as having been issued on 18th August 2008, is indicated to have been issued pursuant to the [Land Registration Act](#) No. 3 of 2012 and the repealed Registered [Land Act](#) Cap 300 Laws of Kenya. Obviously, this is a forged document because in 2008 when it was allegedly issued, neither had the [Land Registration Act](#) No. 3 of 2012 been enacted nor the Registered [Land Act](#) Cap 300 repealed.
22. Based on the above findings, it is clear that the defendant's title documents are forged, fraudulent and are not genuine documents. In addition, there was no evidence of how the defendant acquired the suit property if at all. As the plaintiff has produced titles, transfer and subdivision schedule demonstrating lawful acquisition and registration of the suit property, I am satisfied that the plaintiff has proved that it is the lawful owner of the suit property, while the defendants are fraudsters.
23. Trespass is the unlawful entry into another person's land. (See definition of "trespass" in the Black's Law Dictionary 11th Edition).
24. On whether there was trespass, the plaintiff produced photographs showing felling of trees, construction of illegal structures, beaconing and wasting of the suit property. In my view, that evidence, which was not controverted at all, sufficiently proved that the defendants had trespassed on the suit property.
25. Section 25 of the [Land Registration Act](#) provides for rights conferred on registration of land as follows;
 1. The rights of a proprietor, whether acquired on first registration or subsequently for valuable consideration or by an order of court, shall not be liable to be defeated except as provided in this Act, and shall be held by the proprietor, together with all privileges and appurtenances belonging thereto, free from all other interests and claims whatsoever, but subject—
 - a. to the leases, charges and other encumbrances and to the conditions and restrictions, if any, shown in the register; and
 - b. to such liabilities, rights and interests as affect the same and are declared by section 28 not to require noting on the register, unless the contrary is expressed in the register.
 2. Nothing in this section shall be taken to relieve a proprietor from any duty or obligation to which the person is subject to as a trustee.
26. Therefore, a registered proprietor of land has absolute and indefeasible ownership rights, to the exclusion of others, which rights are protected in law. In this matter, the defendants' trespass on the suit property infringes on the plaintiff's ownership rights and therefore the trespass ought to be stopped. The plaintiff herein sought for declaratory orders that it is the lawful owner of the suit property while the defendants' documents are fraudulent. It also sought orders of permanent injunction to bar the defendants from interfering with the plaintiff's ownership rights and an order of eviction. In view of the fact that the plaintiff is the lawful owner of the suit property, I find and hold that it is entitled to the orders sought as they fall within the purview of the legal protection expected for a lawful registered owner of property under the [Land Registration Act](#).
27. In the premises, I find and hold that the plaintiff has proved its case on the required standard and I enter judgment for the plaintiff against the defendants severally and jointly as follows;



- a. A declaration be and is hereby made that any certificate of Title/lease in respect of the subject properties, being L.R. No. 8784/1, and/or I.R. No. 71287 L.R. No. 8784/66; I.R. No. 71288 L.R. No. 8784/67; I.R. No. 71289 L.R. No. 8784/68; I.R. No. 71290 L.R. No. 8784/69; I.R. No. 71278 L.R. No. 8784/70; I.R. No. 71279 L.R. No. 8784/71; I.R. No. 71280 L.R. No. 8784/72; I.R. No. 71281 L.R. No. 8784/73; I.R. No. 71282 L.R. No. 8784/74; I.R. No. 71284 L.R. No. 8784/75; I.R. No. 71286 L.R. No. 8784/76; I.R. No. 71283 L.R. No. 8784/77; I.R. No. 71256 L.R. No. 8784/78; I.R. No. 71257 L.R. No. 8784/79; I.R. No. 71258 L.R. No. 8784/80; I.R. No. 71259 L.R. No. 8784/81; I.R. No. 71260 L.R. No. 8784/84; I.R. No. 71261 L.R. No. 8784/85; I.R. No. 71262 L.R. No. 8784/86; I.R. No. 71263 L.R. No. 8784/87; I.R. No. 71270 L.R. No. 8784/88; I.R. No. 71271 L.R. No. 8784/89; I.R. No. 71272 L.R. No. 8784/90; I.R. No. 71273 L.R. No. 8784/91; I.R. No. 71275 L.R. No. 8784/92, I.R. No. 71274 L.R. No. 8784/93; I.R. No. 71276 L.R. No. 8784/94; I.R. No. 71277 L.R. No. 8784/95; I.R. No. 71266 L.R. No. 8784/96; I.R. No. 71267 L.R. No. 8784/97; I.R. No. 71268 L.R. No. 8784/98; I.R. No. 71269 L.R. No. 8784/99; I.R. No. 71264 L.R. No. 8784/100; I.R. No. 71265 L.R. No. 8784/101, in the name of the defendants herein was un-procedurally, fraudulently and illegally obtained and is hereby cancelled.
- b. A declaration be and is hereby made that the Plaintiff herein is the rightful owner of all the subject properties being Title Nos. I.R. No. 71287 L.R. No. 8784/66; I.R. No. 71288 L.R. No. 8784/67; I.R. No. 71289 L.R. No. 8784/68; I.R. No. 71290 L.R. No. 8784/69; I.R. No. 71278 L.R. No. 8784/70; I.R. No. 71279 L.R. No. 8784/71; I.R. No. 71280 L.R. No. 8784/72; I.R. No. 71281 L.R. No. 8784/73; I.R. No. 71282 L.R. No. 8784/74; I.R. No. 71284 L.R. No. 8784/75; I.R. No. 71286 L.R. No. 8784/76; I.R. No. 71283 L.R. No. 8784/77; I.R. No. 71256 L.R. No. 8784/78; I.R. No. 71257 L.R. No. 8784/79; I.R. No. 71258 L.R. No. 8784/80; I.R. No. 71259 L.R. No. 8784/81; I.R. No. 71260 L.R. No. 8784/84; I.R. No. 71261 L.R. No. 8784/85; I.R. No. 71262 L.R. No. 8784/86; I.R. No. 71263 L.R. No. 8784/87; I.R. No. 71270 L.R. No. 8784/88; I.R. No. 71271 L.R. No. 8784/89; I.R. No. 71272 L.R. No. 8784/90; I.R. No. 71273 L.R. No. 8784/91; I.R. No. 71275 L.R. No. 8784/92, I.R. No. 71274 L.R. No. 8784/93; I.R. No. 71276 L.R. No. 8784/94; I.R. No. 71277 L.R. No. 8784/95; I.R. No. 71266 L.R. No. 8784/96; I.R. No. 71267 L.R. No. 8784/97; I.R. No. 71268 L.R. No. 8784/98; I.R. No. 71269 L.R. No. 8784/99; I.R. No. 71264 L.R. No. 8784/100; I.R. No. 71265 L.R. No. 8784/101.
- c. An order of permanent injunction be and is hereby issued restraining the defendants either by themselves, their agents, servants, employees and/or any person acting on the defendants' authority from trespassing, entering, encroaching and/or interfering with all the parcels of land being Title Nos. I.R. No. 71287 L.R. No. 8784/66; I.R. No. 71288 L.R. No. 8784/67; I.R. No. 71289 L.R. No. 8784/68; I.R. No. 71290 L.R. No. 8784/69; I.R. No. 71278 L.R. No. 8784/70; I.R. No. 71279 L.R. No. 8784/71; I.R. No. 71280 L.R. No. 8784/72; I.R. No. 71281 L.R. No. 8784/73; I.R. No. 71282 L.R. No. 8784/74; I.R. No. 71284 L.R. No. 8784/75; I.R. No. 71286 L.R. No. 8784/76; I.R. No. 71283 L.R. No. 8784/77; I.R. No. 71256 L.R. No. 8784/78; I.R. No. 71257 L.R. No. 8784/79; I.R. No. 71258 L.R. No. 8784/80; I.R. No. 71259 L.R. No. 8784/81; I.R. No. 71260 L.R. No. 8784/84; I.R. No. 71261 L.R. No. 8784/85; I.R. No. 71262 L.R. No. 8784/86; I.R. No. 71263 L.R. No. 8784/87; I.R. No. 71270 L.R. No. 8784/88; I.R. No. 71271 L.R. No. 8784/89; I.R. No. 71272 L.R. No. 8784/90; I.R. No. 71273 L.R. No. 8784/91; I.R. No. 71275 L.R. No. 8784/92, I.R. No. 71274 L.R. No. 8784/93; I.R. No. 71276 L.R. No. 8784/94; I.R. No. 71277 L.R. No. 8784/95; I.R. No. 71266 L.R. No. 8784/96; I.R. No. 71267 L.R. No.



8784/97; I.R. No. 71268 L.R. No. 8784/98; I.R. No. 71269 L.R. No. 8784/99; I.R. No. 71264 L.R. No. 8784/100; I.R. No. 71265 L.R. No. 8784/101.

- d. The defendant is ordered within 60 days to vacate the suit properties, in default an eviction order to issue against the defendants and their agents from the suit properties being Titles Nos. I.R. No. 71287 L.R. No. 8784/66; I.R. No. 71288 L.R. No. 8784/67; I.R. No. 71289 L.R. No. 8784/68; I.R. No. 71290 L.R. No. 8784/69; I.R. No. 71278 L.R. No. 8784/70; I.R. No. 71279 L.R. No. 8784/71; I.R. No. 71280 L.R. No. 8784/72; I.R. No. 71281 L.R. No. 8784/73; I.R. No. 71282 L.R. No. 8784/74; I.R. No. 71284 L.R. No. 8784/75; I.R. No. 71286 L.R. No. 8784/76; I.R. No. 71283 L.R. No. 8784/77; I.R. No. 71256 L.R. No. 8784/78; I.R. No. 71257 L.R. No. 8784/79; I.R. No. 71258 L.R. No. 8784/80; I.R. No. 71259 L.R. No. 8784/81; I.R. No. 71260 L.R. No. 8784/84; I.R. No. 71261 L.R. No. 8784/85; I.R. No. 71262 L.R. No. 8784/86; I.R. No. 71263 L.R. No. 8784/87; I.R. No. 71270 L.R. No. 8784/88; I.R. No. 71271 L.R. No. 8784/89; I.R. No. 71272 L.R. No. 8784/90; I.R. No. 71273 L.R. No. 8784/91; I.R. No. 71275 L.R. No. 8784/92, I.R. No. 71274 L.R. No. 8784/93; I.R. No. 71276 L.R. No. 8784/94; I.R. No. 71277 L.R. No. 8784/95; I.R. No. 71266 L.R. No. 8784/96; I.R. No. 71267 L.R. No. 8784/97; I.R. No. 71268 L.R. No. 8784/98; I.R. No. 71269 L.R. No. 8784/99; I.R. No. 71264 L.R. No. 8784/100; I.R. No. 71265 L.R. No. 8784/101 and the said orders to be effected under the supervision of the Officer Commanding Athi River Police Station as necessary to ensure enforcement of the order.
- e. Costs of this suit shall be borne by the defendants.

28. It is so ordered.

DATED, SIGNED AND DELIVERED AT MACHAKOS VIRTUALLY THIS 13TH DAY OF MARCH, 2024 THROUGH MICROSOFT TEAMS VIDEO CONFERENCING PLATFORM

A. NYUKURI

JUDGE

In the Presence of;

Ms. Mutinda for plaintiff

No appearance for the defendant

Abdisalam – Court Assistant

