



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT**

**AT CHUKA**

**CHUKA ELC MISCELLANEOUS APPLICATION CASE NO. 04 OF 2020**

**M'NYERI M'RINKURI.....APPLICANT/INTERESTED PARTY**

**VERSUS**

**BERNARD GITARI MUGERA.....1<sup>ST</sup> RESPONDENT**

**IGNATIUS MUTEGI MUGA.....2<sup>ND</sup> RESPONDENT**

**THE DIRECTOR LAND ADJUDICATION & SETTLEMENT.....3<sup>RD</sup> RESPONDENT**

**THE DEPUTY COUNTY COMMISSIONER MERU SOUTH.....4<sup>TH</sup> RESPONDENT**

**THE DISTRICT LAND REGISTRAR MERU SOUTH.....5<sup>TH</sup> RESPONDENT**

**THE HONOURABLE ATTORNEY GENERAL.....6<sup>TH</sup> RESPONDENT**

**RULING**

1. There was an oral application by the applicant that the court should first hear the grounds of opposition filed by the 3<sup>rd</sup> to 6<sup>th</sup> defendants on 21<sup>st</sup> September, 2020 before proceeding with any other hearing.

This position was supported by the respondents.

2. I will not allow the oral application for the reason that parties have conflated Grounds of opposition with preliminary objections on a point of law. Grounds of opposition are always considered in the main suit or in the main application as in this matter.

3. To have the matter resolved timeously, it is directed as follows:

1. The applicant to file written submissions within 14 days of today and the respondents to do so within 14 days after receipt of the applicant's submissions.

2. The notice of motion dated **18<sup>th</sup> August, 2017** filed by Fredrick Mutegi Njoka seeking the substitution of Bernard Gitari Mugera (deceased) with Fredrick Mutegi Njoka (himself) is hereby allowed.

3. Ignatius Mutegi Muga to be properly served within the next 10 days.

**4. Parties will come to court for directions on 21.10.2020.**

Delivered in open court at Chuka this **22<sup>nd</sup> day of September, 2020** in the presence of:

CA: Ndegwa

Kirimi Muturi for the applicant

Fredrick Mutegi Njoka - 2<sup>nd</sup> Respondent

Kiongo for the 3<sup>rd</sup> to 6<sup>th</sup> Respondents

**P. M. NJORGE,**

**JUDGE.**