



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU

MISC APPLICATION NO 17 OF 2016

**KITHINJI GUANTAI (SUING AS THE LEGAL REPRESENTATIVE OF THE ESTATE OF
M'GUANTAI MBOGO ALIAS GUANTAI MBOGO(DECEASED)).....APPLICANT**

VERSUS

Z. NYAMU M'ARIMI1ST RESPONDENT

KIUNGONE INVESTMENT LIMITED.....2ND RESPONDENT

R U L I N G

This application is dated 15th February, 2016 and seeks orders:-

1. ***THAT this application be certified urgent and be heard ex-parte in the first instance.***
2. ***THAT the Honourable Court be pleased to issue an order for the transfer of GITHONGO SRMCC NO 62 OF 2015 to MERU CHIEF MAGISTRATE'S COURT for hearing and determination.***
3. ***THAT the Honourable Court be pleased to order that once GITHONGO SRMCC NO. 62 OF 2015 has been transferred to MERU CHIEF MAGISTRATE'S COURT and has been issued with a new number, the said suit be heard and determined together with MERU CMCC NO 29B of 2014 on the basis of the pleadings filed in the two suits, subject to any subsequent amendments.***
4. ***THAT the cost of this application be provided for.***

The application is supported by the affidavit of KITHINJI GUANTAI and has the following grounds:-

- a. ***GITHONGO SRMCC NO. 62 OF 2015 involves the parties herein whilst MERU CMCC NO. 29B OF 2014 involves both respondents respectively.***
- b. ***Both suits revolve around parcel of land No. NKUENE/ KITHUNGURI/364.***
- c. ***There are common questions of fact and law in both suits.***
- d. ***The said common questions of fact and law are of such importance as to make it desirable that the whole of the matter ought to be determined at the same time.***
- e. ***The rights and reliefs sought in both suits arise out of the same transaction.***

f. *The above sought orders will aid in the saving of costs, time and effort.*

The application came up for interpartes hearing on 23/02/2016 when it was intimated to Court that the application is not opposed. **In the circumstances, prayers 2 and 3 are granted. Costs shall be in the cause.**

It is so ordered.

Delivered in open Court at Meru this 23rd day of February, 2016 in the presence of :-

CC: Lilian/Daniel

Kimathi for the Applicant

Gichunge h/b Mutegi for 2nd Respondent .

P. M. NJOROGE

JUDGE