



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**  
**CIVIL CASE NO. 139 OF 2012**

BERNARD GITONGA MATHEWS.....PLAINTIFF

VERSUS

JOSEPH MUKUNI .....DEFENDANT

LILIAN KANANU NANGA.....INTERESTED PARTY/APPLICANT

**RULING**

This Application is dated 13/03/2015 and seeks orders:-

- a. ***THAT the Honourable Court be pleased to enjoin Lilian Kananu Nanga as the interested party herein out of time.***
- b. ***THAT the Honourable Court be pleased to make any other or such orders as may meet the ends of justice.***
- c. ***Costs be provided for.***

The application is buttressed by the affidavit of Lilian Kananu Nanga and has the following grounds:-

- i. ***THAT it is necessary that LILIAN KANANU NANGA be enjoined in this suit to enable this Honourable Court determine the issues at variance between the parties .***
- ii. ***THAT the Plaintiff will not be prejudiced in any manner should the orders sought be granted.***
- iii. ***THAT there is no inordinate delay in bringing this application.***

The Defendant has not responded to the application even though this date for directions was taken in the presence of the Clerk of the Defendant's Advocate. The Plaintiff has opposed the Application through his Replying Affidavit dated 21st May, 2015 and filed on 3rd July, 2015.

He says that the Application is an afterthought and an abuse of the Court process as the applicant had not gone through the necessary adjudication process and has never owned the suitland. Mr. B.G Kariuki, for the Plaintiff however opined that perhaps the applicant will produce the necessary documents during the hearing.

I have considered the pleadings and all germane issues in this matter. It is my view that enjoining the applicant in the suit will not prejudice the other parties at all. It will enable all parties to be heard and enable the Court to hear and determine the suit on its merits. In the Circumstances, **the application is**

**allowed. Costs shall be in the cause.**

**It is so ordered.**

Delivered in open Court at Meru this *22nd day of February, 2016* in the presence of:

CC: Lilian /Daniel

Omari for the Applicant

B.G Kariuki for the Plaintiff

**P. M. NJOROGE**

**JUDGE**