



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU

CIVIL CASE NO. 65 OF 2008.

M'ARICHIA MWITHIGA
KIRIGIA.....PLAINTIFF

VERSUS

ROMANO MUTHENGI NDUYO.....1ST DEFENDANT

KATHENYA KANYAKA.....2nd DEFENDANT

**LANDS ADJUDICATION & SETTLEMENT OFFICER, THARAKA NITHI.....3RD
DEFENDANT**

R U L I N G

This application is dated 18th February, 2016 and seeks orders:-

1. ***THAT the application be certified urgent and it be heard on priority basis.***
2. ***THAT the Plaintiff/Applicant be granted leave to amend his plaint, in terms of the annexed draft amended plaint, to amongst others, correct the name of the 2nd defendant to read JAMES MUCHOKA KATHENYA.***
3. ***THAT costs of this application be in the cause.***

It is supported by the affidavit of M'Arichia Mwithiga Kirigia, the applicant, and has the following grounds:-

- i. ***THAT the name used to describe the 2nd defendant is that of his father.***
- ii. ***THAT the Plaintiff/Applicant needs leave of Court to amend the plaint to properly plead the correct name of the 2nd defendant to read JAMES MUCHOKA KATHENYA.***
- iii. ***THAT the said JAMES MUCHOKA KATHENYA has filed a letter herein and is a necessary party in this case.***
- iv. ***THAT the application is made in utmost good faith and in the interest of justice, since the court has absolute discretion to grant the relief sought.***

During the day fixed for Interpartes hearing (today), it transpired that the application was not opposed. In the circumstances, **the application is allowed.**

Costs shall be in the cause.

It is so ordered.

Delivered in Open Court at Meru this **15th day of March, 2016** in the presence of:-

CC: Daniel/Lilian

Mbaabu for the Applicant

James Muchoka Kathenya-2nd Defendant

Kimathi for the Respondent

P. M. NJOROGE

JUDGE