



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
MISC APPLICATION NO. 67 OF 2016
IN THE MATTER OF THE LIMITATION OF ACTIONS ACT
CAP 21 LAWS OF KENYA

PLISILA KATHAMBI.....APPLICANT

VERSUS

SIMON BUNDI M'ARIMI.....RESPONDENT

R U L I N G

[1] This application is dated 13th September, 2016 and seeks prayers:-

(1) THAT this Honourable Court be pleased to grant leave to the Applicant to file suit against the Respondent out of the Limitation period.

(2) THAT the Costs of this Application be in the cause in the intended suit.

[2] It is supported by the Affidavit of PLISILA KATHAMBI and has the following grounds:-

(a) THAT the proposed suit is in respect of a Sale Agreement for Land Parcel No. NYAKI/CHUGU/943.

(b) THAT the Respondent has all along been promising the Applicant that he will have the land transferred into her name but has refused to transfer the same.

(c) THAT there were facts relating to the cause of action that was outside the control and/or knowledge of the elderly Applicant until expiry of the Limitation period.

[3] There is on record an affidavit of service showing that the Respondent was not only served but also acknowledged service by signing at the back of the documents served upon him.

[4] As the Defendant is not in Court, I find that this application is not opposed.

[5] The application is deemed heard. This Misc. Application is marked as heard and determined.

[6] Prayer 1 is granted.

[7] Costs to be in the intended suit as per prayer 2.

[8] It is so ordered.

DELIVERED IN OPEN COURT AT MERU THIS 21ST DAY OF SEPTEMBER, 2016 IN THE PRESENCE OF:-

CA: Daniel / James

Nyauchi for the Applicant

P.M NJOROGE

JUDGE