



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MERU**

**HCCC NO 54 OF 2012**

**SUSSY RUGURU NKANATA.....1ST PLAINTIFF**

**JANE KINANU KIRIMI.....2ND PLAINTIFF**

**WINFRED KANARIO KIRIMI.....3RD PLAINTIFF**

**VERSUS**

**SILAS KIRIMI NKANATA.....1ST DEFENDANT**

**DAVID KIBANG'A MBOGORI.....2ND DEFENDANT**

**R U L I N G**

1. On 23/11/2016, the advocates representing the parties in this matter proffered the following Consent, which they asked the Court to adopt as it's order.

**CONSENT**

***“By consent the Applicants/ Defendants herein and the Respondents/Plaintiffs herein agree that a surveyor visit the land in dispute in order to make a determination as to the area of the land and its nature as private property or public access road and make a report to the court in order to assist it to make a determination regarding the application dated 3rd November, 2016 that is before it. Costs will be borne equally by both parties”.***

2. I find that the Consent is properly signed and is binding upon the parties.

3. The consent is adopted as an order of this Court.

4. The County Surveyor, Meru County, is directed to visit LR NOS. NKUENE/URUKU/1979 and 1980 and to make a determination as to the area of the parcels of land, their ownership and if or not a public road of access has been encroached upon by the plaintiffs or by the defendants.

5. Parties shall share the costs equally.

6. Parties to move the County Surveyor Appropriately.

7. The County Surveyor to file his report within the next 45 days.

8. Parties to come to court for directions on 8/2/2017.

9. It is so ordered .

**DELIVERED IN OPEN COURT AT MERU THIS 23RD DAY OF NOVEMBER, 2016 IN THE PRESENCE OF:-**

C.A James

Kiogora for the plaintiffs

Nyauchi for the Defendants

**P.M. NJOROGI**

**JUDGE**