



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

**HCC 128 OF 2012**

**JACOB MBWIRIA.....PLAINTIFF**

**VERSUS**

**MISHECK KANAKE REUBEN.....DEFENDANT**

**R U L I N G**

This Application is dated 15/07/2015. It seeks Orders:

1. ***THAT the Honourable Court be please to grant leave to the Defendant to issue a Third Party Notice to the Hon. Attorney General on behalf of the District Land Adjudication and Settlement Officer, Igembe District to be enjoined as a party to this suit.***
2. ***THAT the costs of this Application be in the cause.***

*It is supported by the Affidavit of Christine Kawira Ungu and the following grounds:-*

- a. ***It is imperative to enjoin the Hon. Attorney General on behalf of the District Land Adjudication and Settlement Officer, Igembe District as a party to this suit.***
- b. ***The Defendant is challenging the Decision of the land Arbitration Board dated 4th November 2008 and the decision of the Land Adjudication Officer dated 20th July 2009 regarding the ownership of land Parcel Nos. 129 & 131 KIENGU/KANJOO ADJUDICATION SECTION which is one of the matters for determination in these proceedings.***
- c. ***Some of the remedies sought by the Defendant in his Counter-Claim affect the proposed Third Party.***
- d. ***The orders sought in this Application are necessary to meet the ends of justice and will not prejudice any of the parties.***

Mr. Mbogo for the Plaintiff who is in Court, although the Application is brought to Court exparte, does not oppose the Application. The Application is allowed with costs to be in the cause.

I direct as follows:-

1. ***Defendant to serve the Third Party Notice upon the Attorney General on behalf of the Land Adjudication and Settlement Officer, Igembe District within 14 days.***
2. ***The Attorney General to respond and put in apposite papers within 30 days after the Third***

*Party Notice has been served.*

3. *Plaintiff to fully comply with Order 11, CPR, within 30 days after the Attorney General has served him with his responses and apposite documents.*
4. *Defendant to serve the orders issued by this Court today upon the Attorney General within 10 days of today.*
5. *Directions on 18/11/2015.*

It is so ordered.

Delivered in open Court at Meru this 30th day of July, 2015 in the presence of:

CC: Daniel/Lilian

Miss Ungu for the Defendant

Mbongo for the Plaintiff.

**P.M.NJOROGE**

**JUDGE**