



REPUBLIC OF KENYA
IN THE COURT OF KENYA AT MERU
LAND AND ENVIRONMENT DIVISION
LAND CASE NO 26 OF 2013
JOHN MURIUNGI MUGWIKA.....PLAINTIFF
VERSUS
CHARITY MPINDA M'MUGWIKA.....DEFENDANT
RULING

This Application is dated 14th July, 2014 and seeks Orders:

1. ***THAT this Application be certified as urgent and be heard on priority basis.***
2. ***THAT this Honourable Court be pleased to grant the Applicant/Defendant leave to amend her Counter Claim in terms of the draft annexed amended Counter claim.***
3. ***THAT the costs of this Application be provided for.***

The Application is supported by the Affidavit of the Plaintiff sworn on 14th July, 2015 and has the following grounds:

- a. ***THAT the amendment is necessary for the purpose of determining the real question in controversy between the parties.***
- b. ***THAT the amendment is necessary for the purpose of correcting the defect or error in the Counter Claim.***
- c. ***THAT the Application is brought in good faith and in the spirit of fair determination of this suit.***
- d. ***THAT the error was not deliberate.***
- e. ***THAT the amendment will enable expeditious resolution of this suit as the Parcel No. 336 that seeks to be substituted for Parcel No.266 forms part of the subject matter for litigation in this suit.***

On 27th July, 2015 during mention for directions, Mr Ringera holding brief for Gichunge for the Plaintiff intimated that the Plaintiff did not oppose the Application. In the Circumstances, **the Application is allowed . The Plaintiff is allowed to amend his Plaintiff, if necessary, within 30 days of today.**

It is so ordered.

Delivered in open Court at Meru this **27th day of July,2015** in the presence of:-

CC: Daniel/Lilian

Ringera holding brief for Gichunge for Plaintiff

Murango Mwenda holding brief for Rimita for Defendant.

P.M. NJORGE

JUDGE