



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MERU**  
**CIVIL SUIT NO 138 OF 2014 (O.S)**  
**IN THE MATTER OF L.R. NO. ABOGETA/NKACHE/660**  
**IN THE MATTER OF THE LIMITATION OF ACTIONS ACT CAP 22 LAWS OF KENYA**  
**AND**  
**IN THE MATTER OF THE REGISTERED LANDS ACT CAP 300 LAWS OF KENYA**  
**AND**  
**IN THE MATTER OF ORDER 37 OF THE CIVIL PROCEDURE RULES**  
**BETWEEN**  
**HELLEN KAREMU MURIIRA.....PLAINTIFF**  
**VERSUS**  
**RAPHAEL MUTURI NJOGU.....DEFENDANT**  
**RULING**

Mr. Mutegei Mugambi , Advocate for the Defendant, on 22/09/15 through an oral application asked the Court to clarify which of the Interim Orders, the ones issued by this Court on 12/8/2015 and the ones issued by the ELC Court at Nyeri, upon an application during the vacation filed by the Plaintiff are extant. I clarify as follows:-

- 1. The ELC Court at Nyeri did not have powers to vacate orders of a Court of a horizontal Jurisdiction at the Interlocutory Stage.***
- 2. I clarify that the extant orders are those that this Court granted on 12/08/2015.***
- 3. On 12/08/2015, when the extant orders were issued the Court noted that the Plaintiff had completely refused and failed to abide by this Court's orders issued on 7/7/2015 and as a result had not complied with Order 11 of the Civil Procedure Rules within the time stipulated by the Court Order. As a result the defendant could not comply with order 11 of the Civil Procedure Rules.***

***It is so clarified and ordered.***

**Delivered in open Court at Meru this 22nd day of July, 2015 in the presence of:-**

CC: Daniel /Lilian.

Mutegi Mugambi for the Defendant.

Mutuma holding brief for Kirimi Mbogo for the Plaintiff.

**P.M NJOROGE**

**JUDGE**