

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

ELC NO 81 OF 2012 (O.S)

MBIJIWE MARANGU.....PLAINTIFF

VERSUS

KABIRICHU JOSHU.....1ST DEFENDANT

JAPHET KAIMENYI NDATHO.....2ND DEENDANT

FRANCIS KABURU M'MARETE.....3RD DEFENDANT

J U D G M E N T

This Judgment relates to formal proceedings against the 1st defendant. The Plaintiff has produced an agreement with the 1st defendant and a Search Certificate showing that the land originally belonged to the 1st defendant.

This is a matter that offers unique challenges as the 2nd and 3rd defendants are the registered owners of the Suit land. If it is ruled that the 1st defendant has lost the suit, it will affect the other defendants.

In the interests of Justice, I rule that the suit against the defendant has been proved only as regards the costs of the formal proceedings, other issues can only be determined after the suit against the other defendants have been heard.

I order that the suit against the other defendants proceeds to full hearing.

It is so ordered .

Delivered in open Court at Meru this 26th day of October, 2015 in the presence of:-

CC: Daniel/Lilian

Gatari Ringera for Defendants

Riungu for Plaintiff

P. M. NJOROGE

JUDGE