

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

CIVIL CASE NO. 12 OF 2005

MUVUA WAMBUA.....PLAINTIFF

VERSUS

JOSEPH NGUGI KIGURU.....1ST DEFENDANT

ISAAC MWANGI KINYANJUI.....2ND DEFENDANT

RACHAEL NYAMBURA MWAI.....3RD DEFENDANT

COMMISSIONER OF LANDS4TH DEFENDANT

RULING

1. **Revered Archbishop Stephen Musa Thuo** filed an application dated **30th July, 2012** seeking to be enjoined in this suit as an interested party. The application is premised on grounds that the land mentioned in this case Reference Number **G.L 3529** and **L.R 3567** is earmarked by the government for settlement of squatters; the applicant being one of the squatters stands to lose his land if not enjoined as an interested party in case the court rules in favour of either party.
2. In a supporting affidavit the applicant states that if the 1st, 2nd and 3rd defendants made an effort to be registered as proprietors of the land in issue it was not within the knowledge of the applicant and other squatters; he has been mentioned as the person who bought land illegally and it was only after he went to check on the progress of re-settlement of squatters on the land at the District Land Adjudication Office that he learnt of the subsisting case.
3. By annexures to the supporting affidavit, the applicant has demonstrated that in conjunction with other squatters he may have interest in this case.
4. From the foregoing, I am satisfied that the real question in this case can only be effectually determined if the applicant is enjoined in the suit as an interested party. I therefore allow the application as prayed. Costs shall be in the case.

DATED, DELIVERED and SIGNED this 15th day of JANUARY, 2014.

L.N. MUTENDE

JUDGE