



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KERUGOYA
ELC CASE NO. 101 OF 2014

JOSPHAT WAGONIA KIBERU 1ST PLAINTIFF
GEOFFREY MACHARIA 2ND PLAINTIFF
JASON GAKUU 3RD PLAINTIFF
GLADYS NGOIRI 4TH PLAINTIFF
SOSPETER MAINA 5TH PLAINTIFF
SARAH NJOKI Alias LYDIA WANJIRI 6TH PLAINTIFF
FREDRICK MAGONDU GATITU 7TH PLAINTIFF
JOHN MUTHEE NYAMU 8TH PLAINTIFF

VERSUS

NEW KENYA DEVELOPMENT AGENCY 1ST DEFENDANT
COMMISSIONER OF LANDS 2ND DEFENDANT
CHIEF LAND REGISTRAR 3RD DEFENDANT
THE ATTORNEY GENERAL 4TH DEFENDANT

RULING

This application brought under **Order 10 Rule 8 of the Civil Procedure Rules** seeks leave to apply for interlocutory judgment against the 2nd, 3rd and 4th defendants. It is founded on the grounds on the face of the application and supported by the affidavit of the 1st plaintiff/applicant sworn on 25th June 2014 in which it is deponed that although the 2nd, 3rd and 4th defendants/respondents were served with summons to enter appearance on 24th April 2014 through their known representatives, they have neither appeared nor filed their defences. Hence this application.

The application is not opposed and there was no appearance by the 2nd, 3rd and 4th defendants/respondents though served for hearing on 30th July 2014.

I have considered the application as well as the supporting affidavit by the 1st plaintiff/applicant. The same as I have stated is un-opposed. I accordingly grant the orders sought in the plaintiffs/applicants Notice of Motion dated 25th June 2014. Costs in the cause.

B.N. OLAO

JUDGE

31ST JULY, 2014

31/7/2014

Before

B.N. Olao – Judge

Mwangi – CC

Mr. Gacheru for Applicant – present

Respondent – absent

COURT: Ruling delivered this 31st day of July 2014 in open Court.

Mr. Gacheru for Applicant present

No appearance for Respondent.

B.N. OLAO

JUDGE

31ST JULY, 2014