



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MERU**

**CIVIL SUIT NO. 168 OF 2008**

**SAMWEL THIAINE MUNYORI.....PLAINTIFF**

**VS**

**LAND ADJUDICATION & SETTLEMENT OFFICER TIGANIA  
WEST.....1ST DEFENDANT**

**DOUGLAS MITHEU.....2ND DEFENDANT**

**RULING**

The plaintiff came for directions regarding the handling of the Interlocutory Judgment entered against the defendants by this court's Deputy Registrar on 12/5/2009.

One of the defendants is the Land Adjudication and Settlement Officer, Tigania West, and leave as required by order 10, Rule 8,CPR, had not been obtained before the Interlocutory Judgment was entered against the defendants in favour of the plaintiff. In the circumstances, I issue the following orders;

1. ***The Interlocutory Judgment entered against the defendants dated 12/5/09 is hereby set aside and declared irregular and hence null and void ab initio.***
2. ***The plaintiff should properly serve the suit papers upon the defendants within 30 days.***
3. ***Matter is stood over generally and the plaintiff to obtain a date for directions from the registry once proper service has been achieved.***

**Delivered in open court at Meru this 28th day of October, 2014 in the presence of;**

Cc. Daniel/Lilian

Kimathi Kiara for plaintiff

**P. M. NJOROGE**

**JUDGE**