



[No. 97/2013]

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

CIVIL CASE NO. 247 OF 2012

MUTUKU MAITHYA.....1ST PLAINTIFF

MUTISYA MAITHYA.....2ND PLAINTIFF

MUTUA MAITHYA.....3RD PLAINTIFF

MUSYOKA MAITHYA4TH PLAINTIFF

VERSUS

NGILA MAITHYA.....1ST RESPONDENT

MUINDI MAITHYA2ND RESPONDENT

MUTISO MAITHYA.....3RD RESPONDENT

THE DISTRICT ADJUDICATION/SETTLEMENT OFFICER

MACHAKOS DISTRICT.....4TH RESPONDENT

ATTORNEY GENERAL.....5TH RESPONDENT

AND

KAMENE MUTISO.....1ST INTERESTED PARTY

KANINI MUINDI.....2ND INTERESTED PARTY

SUSAN NGILA3RD INTERESTED PARTY

RULING

1. In Chamber Summons dated 22nd August, 2012, Applicants herein seek to be enjoined as interested parties in the suit. The application is premised on grounds that the proposed interested parties have interest in the subject matter, the suit plot No. 59 Iveti Adjudication section as owners by transmission from their husbands; the decision of the court will adversely affect them if they

- are not given a hearing.
2. The supporting affidavit to the application is deponed by **Kamene Mutiso** having been authorised by her co-applicants where she reiterates the fact that they are in occupation of Plot No. 59 which is the subject matter herein.
 3. The application is not opposed.
 4. It has been established that the applicants herein have interest in the subject matter herein. In order for this court to conclusively adjudicate on the matter it will be just for the proposed interested parties to be enjoined.
 5. Accordingly, I grant leave to the applicants to be enjoined to this suit as interested parties.
 6. Costs of the application shall be in the cause.

DATED, SIGNED and DELIVERED at MACHAKOS this 26TH day of SEPTEMBER 2013.

L.N. MUTENDE

JUDGE