



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT EMBU

Civil Case 73 of 2010

1. ANDREW IRRI NJERU)
2. ELISHA MIGWI)
3. NYAGA NJUE)
4. IRERI KABUTA)
5. KIGAMBA KAMUTHENYA)

6. STEPHEN NDWIGA KAGARAGWI).....PLAINTIFFS

7. DORIS MBUI JOSEPH)
8. MOTOKAA NTHAUTHO)
9. BENSON NDUMO)
10. KIVUTI NGUKU)

VERSUS

ATTORNEY GENERAL.....1ST DEFENDANT

SUED ON BEHALF OF AGENTS/OFFICERS

DISTRICT OFFICER GACHOKA DIVISION..... 2ND DEFENDANT

LAND ADJUDICATION OFICER EMBU/MBEER.....3RD DEFENDANT

COUNTY CLERK MBEERE COUNTY COUNCIL.....4TH DEFENDANT

RULING

This is the Applicant's application dated 25th July 2011 brought under Section 3 and 3A of the Civil Procedure Act for orders that they withdraw their names from the list in the group of the 1st

Plaintiff. They allege they never consented to their names being enlisted in the group of the 1st Plaintiff.

Without even getting into the issues of frauds or forgeries, the Applicants cannot be forced to stay in a suit against their will. That would be an infringement on their constitutional right.

I allow the Application to have the Applicants names withdrawn from the list as prayed. Each party to bear his/her own costs. The parties to take a hearing date for the pending application.

DELIVERED, SIGNED AND DATED AT EMBU THIS 2ND DAY OF NOVEMBER 2011.

H. I. ONG'UDI

JUDGE