

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT KITALE

Civil Suit 120 of 2006

KURIA NJUGUNA KIONGO.....PLAINTIFF

VERSUS

PRISCILLA WANJIRU.....DEFENDANT

R U L I N G

By an application by way of chamber summons pursuant to the provisions of order VIA Rule 3 of the Civil Procedure Rules, the applicant seeks orders:

1. That the plaintiff/applicant be granted leave to amend his plaint in terms of proposed amended plaint.
2. Costs be provided for.

The application is based on the grounds:

- (a) That the parcel number has changed.
- (b) That it is necessary and in the interests of justice for the plaint to be amended.

The application is predicated upon the annexed affidavit of Kuria Njuguna sworn on the 12th day of August 2008.

The application was served upon the respondent, Priscilla Wanjiru, as per the affidavit of Raphael Nyongesa Simiyu sworn on 11th March 2008. The respondent failed to attend the hearing.

On behalf of the applicant, it was argued that the parcel of land was initially plot No. 96, Kipsoen Scheme. Later he sub-divided the land. The resultant numbers were registered as Trans-Nzoia/Kipsoen/557. A search certificate in respect thereof is attached as exhibit "KN1".

On application I granted the applicant leave to proceed ex-parte.

I have scanned through the application and taken the view that it is merited.

Accordingly the application is granted in terms of prayer one (1) only. Costs shall be in the cause.

Dated and delivered at Kitale this 4th day of JULY 2009.

N.R.O. OMBIJA

JUDGE

Mrs Munialo for Arunga for Plaintiff