



1. Land Law

2. Civil Practice and Procedure

i. Defence be struck out.

ii. Order VII r 1(2)

Order VI r 13 1(C) cpr

Section 3A

3. Subject of main suit

Land

i) Original LR – Kericho/Kipsonoi S.S/55

Later sub divided Kericho/Kipsonoi S.S/634

ii) Issue – sub-division allegedly done by fraud

iii) Eviction sought of defendant

iv) Defendant entered appearance but delayed in filing defence

v) Application 5.5.09 for injunction compromised by both parties status quo be maintained.

vi) Status quo

Defendant to occupy land but not dispose of the same nor interfere with the registration.

4. Application 2nd July, 2009

Defence filed but not served within the requisite seven days.

Order 8 r 1(2) cpr which is mandatory

In reply – it is curable

5. **Held** – Application dismissed as defence filed within

requisite time. Remedy in costs to respondent

6. Case Law

7. **Advocate**

J.K. Kiplenge advocate instructed by M/S Kiplenge & Kurgat & Co. advocates for the Plaintiff/Applicant
– present

J.M. Motanya advocate instructed by M/S Motanya & Co. advocates for the Defendant/Respondent -
present