

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT EMBU

Civil Case 78 of 1996

JUSTUS NYAGA DAN.....PLAINTIFF

VERSUS

WILLIAM MWEBIA.....DEFENDANT

RULING

Application dated 13/6/2002 seeks orders (1). The award dated 15/7/98 and read to parties on 18/2/2002 be confirmed as Judgment of the court. On the grounds that the time allowed for objections has expired and no objections were filed within the time allowed. The application is supported by sworn affidavit of plaintiff. It is on record that the Defendant filed an application to protest the findings of the Meru South District Physical planner which was read in court. The Respondents application was received in court on 5/3/2002 seeking to set aside the report read to parties on 18/2/2002. Subsequently the Defendant's application dated 25/2/2002 was dismissed by **Justice Lenaola** on 16/9/2005. But on the same date the court ordered District Physical Planner Meru South to amend the report so that references to the parties is clearly by names and not merely developer on the right or the one on the left. The said officer has rectified and amended the report by naming the developers by name. The report is dated 16/10/2006. Since this court has dismissed the Defendants application to set aside the award made by the Physical Planner aforesaid and such the said award has been amended on court's order. The application dated 13/6/2002 is allowed. The award of the Meru South Physical Planner is hereby entered as a Judgment of this court as to the boundary of the plot between plaintiff and the defendant.

No order as to costs. Each party to bear his own costs.

It is so ordered.

Dated this 19th September, 2007.

J. N. KHAMINWA

JUDGE

19/9/2007

Khaminwa –Judge

Njue – Clerk

Mr. Omwoyo for Defendant

J. N. KHAMINWA

JUDGE