

REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI
CIVIL CASE NO. 2765 OF 1998

DANSON MUTUKU MUEMA & 118 OTHERS..... PLAINTIFFS
VERSUS
COUNTY COUNCIL OF MASAKU & 3 OTHERS..... DEFENDANTS

RULING

This Ruling relates to a Chamber Summons dated 24th September 2004 filed by the Catholic Diocese of Machakos. The same the argued before me on 17th February 2005. The applicant's seek to be joined as parties to the suit on the grounds that being the registered owners of Parcel No. L.R. No.11619/Machakos a sub division of the suit premises namely L.R. No. 149/Machakos the outcome of this suit would affect their ownership of the same.

Having heard Counsel for the applicant interested party (in the absence of other parties who were duly served) and upon perusing the application and pleadings on record, I am satisfied that the interested parties do have an interest in the property and that the outcome of the suit is likely to affect their position therein. I have however noted that the applicants may have brought this application in the wrong name (capacity) but do hold that that is a matter which can be corrected by amendment. The application having been served and not being opposed, I exercise my discretion in the interests of justice and allow the same. I grant the orders as prayed but with a further order that the applicants comply with statutory provisions as to capacity. Orders accordingly.

M.G. MUGO
JUDGE

Delivered in the presence of:

Mr. Mbuthia h/b for Mrs Mutua for Plaintiff

N/A for Applicant

N/A for Defendants