

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KISII
CIVIL SUIT NO.114 OF 2003

IN THE MATTER OF THE REGISTERED LAND ACT CAP 300 LAWS OF KENYA

AND

IN THE MATTER OF THE CIVIL PROCEDURE ACT AND THE RULES MADE THERE UNDER ORDER XXXVI RULE 3D

AND

**IN THE MATTER OF A DISPUTE OF OWNERSHIP OF A DISPUTED PARCEL OF LAND
BETWEEN
ALEXANDER CHARLES RATEMO
APPLICANT
VERSUS
JOHN KERAGITA ONYONKA
RESPONDENT**

RULING:

Applicant prays to court for leave to file a further affidavit to be able to annex copies of the Register. Application was opposed and court told that pleadings were closed.

Indeed the court has already given direction but that does not mean court cannot allow further affidavits if there are good reason. Applicant states he wants to file a further affidavit so that he can be able to put in copies of the register. Hearing of the case has not started and I feel the Respondent will not suffer any prejudice if the application is allowed.

In the circumstances the application is allowed. Applicant granted leave to file a further affidavit within 14 days from today's date. Respondent be at liberty to file a further replying affidavit if he so feels.

It is so ordered.

KABURU BAUNI

JUDGE

14/6/04

Signed, dated and delivered on this 14th June 2004. Mr. Ondieki for applicant. Mr. Anyona holding brief for Mr. Bosire.

**KABURU BAUNI
JUDGE**