



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT ELDORETCIVIL SUIT NO.63 of 2003**

**CHARLES LUGANO ..... PLAINTIFF**

**-VERSUSMARY**

**GORRETTE CHEPSEBA ..... DEFENDANT**

**RULING**

This is an application dated 26th August 2003 brought under Order 1 rule 14 of the Civil Procedure Rules. The application was by way of Chamber Summons. The application seeks for orders that the court grants the applicant leave to join the Attorney General as a party and secondly, that the court do order that summons issue and service be effected upon the Attorney General outside the rules under the Government Proceedings Act for want of Notice. The grounds of the application were that the applicant is a Senior Resident Magistrate at Kitale who was allocated a house by the government, which she occupied. The plaintiff sued her in person, while the house was allocated by the government. The plaintiff claims to have title to the house, therefore the applicant considers that the Attorney General should be joined as a party on behalf of the government.

I have considered the application and grant the two orders prayed for by the applicant.

**Dated at Eldoret this 11th day of February, 2004.**

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**George Dulu**

**Judge**