



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT KISII**  
**CIVIL CASE NO.273 OF 1995**

**1. OKUTA ONGWEN )**  
**2. WILLIAM MERE ONGWEN ) ..... PLAINTIFFS**

VERSUS

**1. MORIS KISURE )**  
**2. JOSEPH KISUGE ) ..... DEFENDANTS**

**RULING**

The applicants/Plaintiffs application is to have Ochele Ogwen to be enjoined as a party as he is one of the registered owners of land No.KANYAMKAGO/KATIENO/678 to enable them get their shares from the defendants. In their affidavits they stated that after suing the defendants case was referred to arbitration and it was found in their favour. They later applied for the Executive Officer of court to sign transfer documents.

They however said that when they went to have the land transferred they were told that the Respondent was also registered together with plaintiff as owner of the land.

They want him enjoined to the suit so that he can sign the transfer forms.

Applicants objected to the application.

I have considered the application. The Respondents has not been a party to this suit. Judgment has already been entered. The applicant did not attach any document to show that the Respondent is of the registered owners of the land in dispute. There is no Search Certificate attached.This would show who are the actual registered owners and to how big the land is. This is important because the award gave specific acreage to the Applicants and the defendants. Was the interest of the Respondent taken care of? This can only be ascertained if the relevant documents were attached.

Application is therefore rejected.

**Dated this 9th December, 2004**

**KABURU BAUNI**

**JUDGE**

Applicant present.  
Respondent present.