

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
HIGH COURT CIVIL CASE NO. 270 OF 2001

JAMES NJOROGE KARANU.....PLAINTIFF
V E R S U S
JOHN NJENGA KARANU.....DEFENDANT
BERNARD MUNGA KAMAU.....INTERESTED PARTY/APPLICANT

R U L I N G

In this application, Mr. Bernard Munga Kamau (hereinafter referred to as “the Interested Party”) seeks to be made an interested party in this suit. The application is brought under order I rules 10, 13 and 22 of the Civil Procedure Rules, Section 3A of the Civil Procedure Act and all enabling provisions of the law. The undisputed facts are as follows. In April, 2000, the Interested Party bought land parcel number KIAMBAA/KIHARA/3359 (hereinafter referred to as “the suit land”) from the Plaintiff. The suit land was subsequently divided and the Interested Party was issued with a title deed to a portion of the suit land.

On 19th February, 2000, the Plaintiff sued the Defendant, who is his brother, claiming a declaration that he is entitled to a half share of parcel KIAMBAA/KIHARA/752 and KIAMBAA/ KIHARA/ T.144. Mr. Olonde for Munyasya for the Interested Party conceded that the Interested Party did not have a cause of action against either the Plaintiff or the Defendant. He, however, said that the outcome of this suit will affect the Interested Party. I, for my part, do not see the basis of this application whatsoever.

The suit land has no relationship whatsoever with the lands in dispute between the Plaintiff and the Defendant. It is not clear at all how the joining of the Interested Party will enable this Court to effectually and completely adjudicate and settle all questions involved in the suit between the Plaintiff and the Defendant. I, therefore, dismiss this application with costs to the Defendant. The costs shall be borne by the Interested Party.

DATED and DELIVERED at NAIROBI this 13th day of June, 2001.

ALNASHIR VISRAM
JUDGE