



REPUBLIC OF KENYA



**Maruti & 8 others v Wanyonyi & 4 others (Civil Suit 8
'A' of 2020) [2025] KEHC 9930 (KLR) (9 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 9930 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUNGOMA
CIVIL SUIT 8 'A' OF 2020**

MS SHARIFF, J

JULY 9, 2025

BETWEEN

ERASTUS W MARUTI 1ST APPLICANT
ABEL MACHENJE 2ND APPLICANT
**JENEFFER MULEMI (SUING ON BEHALF OF CHWELE INTEGRATED
DISPLACED PERSONS IDPS) 3RD APPLICANT**
FRED W. KITUI 4TH APPLICANT
ELIUD CHEGE 5TH APPLICANT
**DAVID N. SARATUKI (SUING ON BEHALF OF MUKUYUNI INTEGRATED
DISPLACED PERSONS IDPS) 6TH APPLICANT**
HENRY SIMIYU 7TH APPLICANT
VINCENT WESWA 8TH APPLICANT
**JOTHAM WANGATIA (SUING ON BEHALF OF MAYANJA INTEGRATED
DISPLACED PERSONS IDPS) 9TH APPLICANT**

AND

HUDSON KITUYI WANYONYI 1ST RESPONDENT
KENYA COMMERCIAL BANK LTD 2ND RESPONDENT
COUNTY COMMISSIONER BUNGOMA 3RD RESPONDENT
THE ATTORNEY GENERAL 4TH RESPONDENT
**PRINCIPAL SECRETARY FOR MINISTRY OF INTERIOR &
COORDINATION OF NATIONAL GOVERNMENT 5TH RESPONDENT**



RULING

1. I have considered the application for an adjournment made by Mr Kapkoriri for the 3rd – 5th defendants and the resistance put forth by Mr Odera for the plaintiff. I have also considered the concession made by J.B Macharia for the 2nd defendant and given that this is the 1st time that this application has been made by the 3rd to the 5th defendants on grounds of indisposition of Mr Simiyu I will allow the same.
2. Due to the fact that the absence of Mr Simiyu was not communicated to Mr Odera in advance and his 3 witness are on the way I will award the plaintiff costs assessed at Ksh 17500/- payable before the next hearing date.

DELIVERED, SIGNED AND DATED AT BUNGOMA THIS 9TH DAY OF JULY 2025.

M.S. SHARIF

JUDGE

