



Mutuangure v Gichomo & another; Board of Management Ngoeni Primary School (Intended Interested Party) (Civil Case 198 of 1991) [2024] KEHC 7624 (KLR) (13 June 2024) (Ruling)

Neutral citation: [2024] KEHC 7624 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
CIVIL CASE 198 OF 1991
DKN MAGARE, J
JUNE 13, 2024**

BETWEEN

CHARLES MWANGI MUTUANGURE PLAINTIFF

AND

HINGA SIMON GICHOMO 1ST DEFENDANT

MURANG'A COUNTY COUNCIL 2ND DEFENDANT

AND

**BOARD OF MANAGEMENT NGOENI PRIMARY SCHOOL INTENDED
INTERESTED PARTY**

RULING

1. An application was brought on 13/6/2022. It is seeking to essentially set aside orders given 12 years ago. The subject matter is land.
2. The court does not handle matters related to land. The orders of the court appear to be implemented and other parties have title deeds. This is not a matter to be dealt by the court as it is functus officio.
3. Secondly, the Applicant is guilty of laches. 17 years is a humongous time lapse that cannot be considered ipso facto. There is nothing to be heard.
4. Accordingly, the application dated 13/6/2022 is dismissed. The file is closed.
5. To avoid unnecessary prolongation of proceedings each party shall bear its costs.

Determination

6. In the end I make the following orders:-



- a. The application dated 13/6/2022 is dismissed.
- b. Each party to bear its costs.
- c. The file is closed.

DELIVERED, DATED AND SIGNED AT NYERI ON THIS 13TH DAY OF JUNE, 2024.

RULING DELIVERED THROUGH MICROSOFT TEAMS ONLINE PLATFORM.

KIZITO MAGARE

JUDGE

In the presence of:-

No appearance for parties

Court Assistant - Jedidah

