

REPUBLIC OF KENYA

IN THE HIGH COURT AT BUNGOMA

CIVIL SUIT NO. 91 OF 2005 (O.S)

HADIJA NANJALA CHEMIATI.....PLAINTIFF

VERSUS

JAMIN WASIKE CHEMIATI.....DEFENDANT

AND

RAMADHAN MUSUMBA CHEMIATI.....APPLICANT

AND

GAYANI ENTERPRISES.....INTERESTED PARTY

RULING

The interested party in an application dated 24th November, 2020 seeks the following orders;-

1. That an order do issue directing that all the tenants on land parcel number Bungoma/Township/228 to deposit monthly rent in court pending the hearing and determination of this suit and other suits pending before the honourable court touching on the suit parcels.

2. Costs.

The application is supported by the affidavit of Sarah Hersi Ali, one of the directors of the interested party. She depones that the suit parcel of land is registered in the interested party's name and has several business with tenants who pay rent directly to the plaintiff which fact she depones is prejudicial to the interested party.

The applicant, Ramdhan Musumba Chemiati in response to the application filed a notice of preliminary objection dated 10/5/2021 raising the following grounds;

1. That the honourable court lacks the necessary jurisdiction to entertain the application.

2. That the application is an abuse of the court process.

The parties by consent agreed to dispose of the preliminary objection by way of written submissions. Both parties filed their submissions and the court reserved the ruling for 27/7/2021.

By way of letter dated 7/6/2021, the interested party's counsel expressed his intention to withdraw the application subject of the ruling. The request to withdraw is hereby allowed. The interested party's application dated 24/11/2020 is hereby dismissed. Each party to bear its own costs to the application.

DATED AT BUNGOMA THIS 3RD DAY OF NOVEMBER, 2021

S. N. RIECHI

JUDGE