



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT**

**AT CHUKA**

**CHUKA ELC CASE NO. 129 OF 2017**

**FORMERLY MERU ELC NO. 25 OF 2011**

**SARAH THARA.....PLAINTIFF**

**VERSUS**

**JAMLICK KINYUA NJOKA.....DEFENDANT**

**RULING**

1. This application states that it has been brought to court under Section 3 and 3A of the Civil Procedure Act Cap 21, Laws of Kenya and Section 22 of the Registered Land Act Cap 300, Laws of Kenya.

2. The application seeks the following orders:

1. That this application be certified urgent and service dispensed with in the first instance.
2. That the honourable court be pleased to order, direct and or authorize Tharaka Nithi County Surveyor and/or District Land Registrar to visit and delineate and /or ascertain and mark the boundaries for Land Parcel No. Magumoni/Itugururu/1035m 1036 and 1037 under the supervision of O.C.S. Chuka Police Station.
3. That this order be served upon the O.C.S. Chuka Police Station for compliance.
4. The costs of this application be provided for.

3. The application is supported by the affidavit of Sarah Thara, the plaintiff, and has the following grounds:-

1. The applicant's lands' boundaries cannot be traced on the ground.
2. The applicant is the sole registered owner and or proprietor of the Land Parcel No. Magumoni/Itugururu/1035, 1036 and 1037 respectively.
3. The applicant ought to enjoy the fruits of his judgment delivered by this honourable court on 27<sup>th</sup> June, 2018.
4. There is due need to ascertain the boundaries of the three parcels of land in the interest of justice.

4. The nature of the order sought in prayer 2 in the application does not qualify it to be certified as urgent. The application will, however, be heard on priority basis.

5. It is ordered as follows:

- a. The applicant to serve this application upon the defendant within the next 10 days.
- b. The application will be heard interpartes on **7<sup>th</sup> April, 2020** if courts will have resumed normal operations.

**Delivered in open Court at Chuka this 19<sup>th</sup> day of March, 2020 in the presence of:**

CC: Ann

Parties not present.

**P. M. NJORGE,**

**JUDGE.**