



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**  
**CIVIL SUIT NO 118 OF 1985**

**JOSEPH MURORI M'NKANATA.....PLAINTIFF**

**VERSUS**

**STANLEY GAITI .....1ST DEFENDANT**

**JELINA KAIMURI.....2ND DEFENDANT**

**RULING**

This application is dated 20th February, 2014 and seeks orders that:-

***1. THAT the matter to be certified as of great urgency as it is one of the oldest cases yet remaining undetermined for about 30 years.***

***2. THAT the Court to consolidate other cases which are a direct consequences of the matters herein in dispute.***

***3. THAT the Court to find that the following cases are directly related to the original suit -as follows:-***

- a. HC. E&L No. 57 of 2012 (which arose from Tigania SRM Court case No. 46 of 2012).
- b. HC. CC No. 124 of 2012.

***4. THAT the Court Order Notices to issue to all the parties relating to all these cases.***

It is supported by the affidavit of the applicant which states:-

“I JOSEPH MUKORI M'NKANATA of Gaitu location -Meru Make Oath and state as follows:-

***1. THAT I am the Plaintiff in the HC. CC No. 118 of 1985 against one Stanley Gaiti and Jelina Kaimuri (who were the Administrators of the Estate of one Nkaanja Kaiyanthi (deceased) who was the owner of Land Title No. ABOTHUGUCHI/GAITU/318.***

***2. The late Nkanja had sold a total of six (6) acres of this land to my late father M' Nkanata M'Mwirichia at divers times.***

***3. THAT we thereupon occupied this land and settled there since 1973.***

***4. THAT when my father died in the year 1997 December, he had already filed this suit.***

5. **THAT after his death, the then 1st defendant Stanley Gaiti secretly sub -divided this land into several pieces and sold to various persons.**

6. **Some of these persons are:-**

- a. **Godfrey Gikundi M'Anjuri-who filed a suit in Tigania Court vide SPM CC.No. 46 of 2012.**
- b. **Simon Kiambi – who has occupied my land by force.**
- c. **Councilor Mutuma M' Inoti – who also has occupied portions of my land by force and using police and AP's to harass me.**
- d. **Charles Kiruja Rwito- who have (sic) occupied my land by use of police and the AP's.**
- e. **Josphat Kiogora -Who has also used force supported by police.**

7. **These people have devastated my land by cutting down my crops and evicting me from my property by use of force. They bribe the police so that even when I report their illegal assaults, the police do nothing to them.**

8. **THAT even my old mother who is over 95 years is not left in peace. She has severally been harassed and some of her huts uprooted and demolished.**

9. **THAT this matter had pended in this Court for over 30 years and that now I am being evicted by people who do not respect the law as they disobey Court order with impunity.**

10. **THAT I pray this Court to expedite the hearing of this case urgently so that each party can be given his rightful share.**

11. **I would also pray that all these off-shoot cases be heard together. These are E & L No. 57 of 2012 and CC No. 124 of 2012.**

12. **THAT the above statement is true to the best of my knowledge and belief.**

When the application was slated for hearing on 13/4/2016, only the applicant was in Court, although the other parties had been served with the hearing date. In the circumstances, the application is allowed. I order that notices be issued to parties in E&L No.57 of 2012 and HCCC No. 124 of 2012 as per prayer 4.

Costs shall be in the cause.

It is so ordered.

Delivered in open Court at Meru this **13th day of April, 2016** in the presence of:-

CC; Daniel /Lilian

Edwin Kimathi h/b Kioga for the Plaintiff

**P.M.NJOROGE**

**JUDGE**