



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**  
**CIVIL SUIT NO 135 OF 2008**

**M'MUKETHA M'NJAU .....PLAINTIFF**

**VERSUS**

**ISMAEL NDEGWA M'MIRUNGU.....DEFENDANT**

**R U L I N G**

This application is dated 20th, November, 2015 and seeks orders:-

***THAT an order be issued and a date be set, for visit to the disputed suit land (locus in quo) by the 1. District Surveyor in the presence of the Plaintiff/Applicant and the Defendant/Respondent.***

***2. THAT the costs for this application be provided for:***

The application is buttressed by the Supporting affidavit of M'MUKETHA M' NJAU and has the following grounds:-

***1. THAT the applicant is the owner of L.R. No. NTIMA/IGOKI/ 1887 and the Defendant /Respondent who owns L.R NTIMA/IGOKI/6070 is his neighbour.***

***2. THAT the Defendant /Respondent has encroached into the applicants land and illegally constructed thereon.***

***3. THAT the Plaintiff/Applicant reported the trespass to the Land Registrar but the dispute was never resolved.***

***4. THAT the Defendant/Respondent continued encroachment deprives the Applicant the right to possess, use and enjoyment of L.R NO. NTIMA/IGOKI/1887.***

***5. The Applicant continues to suffer irreparably.***

On 12th April, 2016, the parties proffered a Consent which they asked the Court to adopt as its order. The Consent is in the following terms:-

***“By Consent of the parties and their respective Advocates, the District Surveyor Meru Central in the presence of the parties and their Advocates to visit Land Parcel numbers NTIMA/IGOKI/1887 and NTIMA/IGOKI/6070 and determine the position of the boundary between the two parcels of land. A report on the site visit be filed in court within 60 days. Parties to share costs of the scene visit. We consent”.***

The Consent is duly signed by the Advocates representing the parties. The following orders are issued:-

1. ***The Consent is adopted as an order of this Court.***
2. ***As indicated in the Consent, parties will share costs of the visit to the locus in quo by the District Surveyor, Meru Central District.***
3. ***As already undertaken, the Plaintiff will move the Surveyor appropriately, in liaison with the defendant's Advocate.***

***It is so ordered.***

*Delivered in open Court at Meru this 12th day of April, 2016 in the presence of:-*

*CC: Daniel/Lilian*

*Manases Kariuki for the Plaintiff*

*Munene for the defendant*

**P.M NJOROGE**

**JUDGE**