



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MERU
PETITION NO. 22 OF 2013
CHARLES KIUNGA M'MBOGORI.....PETITIONER/APPLICANT
(Suing as the administrator of the estate of
M'KIUNGA M'MBOGORI- Deceased
VERSUS
MERU UNIVERSITY OF SCIENCE & TECHNOLOGY.....1ST RESPONDENT
NATIONAL MUSEUMS OF KENYA.....2ND REPENDENT
LAND ADJUDICATION OFFICER, URINGU
ADJUDICATION SECTION.....43RD RESPONDENT
ATTORNEY GENERAL.....4TH RESPONDENT

R U L I N G

1. This application is filed under Order 8 Rule 3 of the Civil Procedure Rules, 2010, Section 1A,1B,3A & 100 of the Civil Procedure Act, Cap 21, Laws of Kenya and Articles 10, 25(c) , 159 and 162 of the Constitution of Kenya. The application is dated 15/08/2016 and seeks orders:-

- 1. THAT the application be certified urgent and it be heard on priority basis.***
- 2. That the Honourable Court be pleased to grant the petitioner/applicant leave to amend his petition in terms of the annexed draft amended petition.***
- 3. THAT costs of this application be in the cause.***

2. The application is supported by the Affidavit of CHARLES KIUNGA M'MBOGORI sworn on 15/08/2016. It has the following grounds :-

- i. THAT the only intended amendments are at paragraph 18 of the draft amended petition.***
- ii. THAT the intended amendments are meant to plead the widow of a deceased heir in order to enable the Court make a just and conclusive determination of the matter.***

iii. THAT there is need for the leave sought in order to plead the surviving heirs.

iv. THAT no party will be prejudiced if the application is allowed.

3. When the application was heard inter partes on 07/09/2016, it transpired that it was not opposed . The respondents, however, sought leave to respond to the amended Petition.

4. The application is allowed.

5. Costs shall be in the cause.

6. Respondents are granted leave to respond to the Petition, if necessary.

7. It is so ordered.

DELIVERED IN OPEN COURT AT MERU THIS 14TH DAY OF SEPTEMBER, 2016 IN THE PRESENCE OF:-

CC: Daniel/Lilian

Miss Muna h/b Carlpeters Mbaabu for the Petitioner

Murango Mwenda h/b Nyaga for 1st Defendants

Kimathi for the Respondent

P. M. NJOROGE

JUDGE