



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
LAND AND ENVIRONMENT DIVISION
E& L CASE NO 216 OF 2013

MARY MWARI ANDREW..... 1ST PLAINTIFF
MARGARET KANUU MWAJA.....2ND PLAINTIFF
HARRIET MUGURE SAMUEL.....3RD PLAINTIFF

VERSUS

ANGELINA KEEJA KINYUA.....DEFENDANT

R U L I N G

1. This application is dated 15th day of June, 2016 and seeks orders:-

- (1) That this application be certified Urgent and be heard as a matter of priority.*
- (2) That this Honourable Court be pleased to set aside the Interlocutory Judgment entered herein.*
- (3) That costs for and incidental to this application be in cause.*

2. This Application is supported by the Affidavit of ANGELINA KEEJA KINYUA, the Applicant and has the following grounds:-

- i. That the Plaintiff/Respondents sued me vide a Complaint dated 5th August, 2013 over land parcel LR. NO. ABOTHUGUCHI/GAITU/109.*
- ii. That all along I have been negotiating with the plaintiffs to settle the matter out of court.*
- iii. That I am now praying that the Interlocutory Judgment entered in this suit be set aside so that we can enter into a Consent and settle this matter amicably.*
- iv. That unless the orders sought are granted, I will suffer great prejudice.*

3. On 07/09/2016, Mr. Calpeters Mbaabu, holding brief for Mr. Gichunge, the Plaintiffs' Advocate told the Court that the Plaintiffs were not opposed to the application.

4. The Defendant Angelina Keeja Kinyua told the Court that she had realized that she had troubled the Plaintiffs for a long time. She expressed the wish to settle the issues pertaining to this suit amicably. In

order to enable the parties to settle the matter by Consent, She prayed that the application be allowed . She told the Court that the parties had a consent signed by her and the Plaintiff's Advocate which the Parties wanted the Court to adopt as its order.

5. I find that the application has merit. It is allowed. The Interlocutory Judgment dated 5th August, 2015 is hereby set aside.

6. No costs are awarded.

7. It is so ordered.

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

CC: Lilian /Daniel

Rimita h/b Gichunge for Plaintiffs

Angelina Keeja- Defendant

P. M. NJOROGE

JUDGE