



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
CIVIL SUIT NO 113 OF 2011

MERU UNIVERSITY COLLEGE OF
SCIENCE AND TECHNOLOGY.....PLAINTIFF

VERSUS

M'NGARUTHI M' MUGAMBI & 169 OTHERS.....DEFENDANTS
HON ATTORNEY GENERAL.....PROPOSED INTERESTED PARTY/APPLICANT

R U L I N G

1. This application is brought to Court pursuant to Section 3A of the Civil Procedure Act, Cap 21, and all other enabling provisions. It is dated 18/07/2016 and seeks an order that:-

(1) The Hon. Attorney General be joined in this suit as an Interested Party.

2. The application is supported by the Affidavit of M/S Kungu and has the following grounds:-

(a) The Applicant's presence before the Court is necessary as the Principal Legal Adviser to the Government.

(b) That the National Government through the Ministry of National treasury has given out Ksh. 30 Million on humanitarian ground to facilitate the movement of the Defendants herein from the Plaintiff (sic) suit property.

(c) THAT to have the money transferred to the respective parties the Applicant needs to be involved in the process.

(d) It is just, fair and mete that the application be granted as prayed.

3. The Supporting Affidavit sworn on 18th July, 2016 by JANET KUNGU says:-

I, JANET KUNG'U of Post Office Box Number 51-60200 Meru do hereby make oath and state as follows:-

(1) THAT I am a State Counsel attached to the Office of the Attorney General & Department of Justice, Meru who is in conduct of this case on behalf of the Applicant and therefore competent to swear this Affidavit.

(2) THAT the Applicant is the Principal Legal adviser to the Government.

(3) THAT the Plaintiff and the Defendants have been having negotiation with the aim of settling the matter out of Court.

(4) THAT the National Government through the Ministry of Education, science and Technology and Ministry of National Treasury on humanitarian ground agreed to facilitate the Defendants to move out of the Plaintiff property to enable the Plaintiff continue with expansion of the facility.

(5) THAT the National Government agreed to part with Kshs. 30 Million to facilitate the said action.

(6) THAT the Applicant as the Legal Adviser to the Government and representative of the National Government in Civil matters, has interests directly related to process of settling this matter for the facts the National Government particular Ministry of National Treasury is involved herein.

(7) THAT in the circumstances I verily believe that it would serve the interest of justice if the Applicant is enjoined as an interested party in order to avoid non representation of the Government and to enable the Court to effectively and completely adjudicate and settle all questions involved in the suit.

(8) THAT the facts deposed to herein are conscientiously made and true to the best of my knowledge, information and belief, save where otherwise herein stated.

4. When the application came up for Interpartes hearing on 06/09/2016, it was not opposed.

5. In the Circumstances, the application is allowed with the effect that the Hon. Attorney General is enjoined in this suit as an Interested Party.

6. It is so ordered.

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

CC: Lilian/Daniel

Miss Muna h/b Ndubi for Defendant

Kimathi for Interested Party

P.M.NJOROGE

JUDGE