



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU

JUDICIAL REVIEW NO. 5 OF 2012

NKUBITU M'RIMBERIA.....APPLICANT

VERSUS

CHAIRMAN MERU CENTRAL DISTRICT

LAND DISPUTES TRIBUNAL.....RESPONDENT

BENSON KITHURE NKUBITU.....1ST INTERESTED PARTY

NKUBITU IBRAHIM.....2ND INTERESTED PARTY

RAEL JEPKOECH NKUBITU.....3RD INTERESTED PARTY

RULING

1. This Ruling concerns a Notice to show Cause why the suit should not be dismissed in terms of Order 17 Rule (2) (2) of the Civil Procedure Code. On 26/05/2016, this Court directed the parties to come to Court and show cause on 06/09/2016.
2. Mr. Otieno C. for the Exparte Applicant told the Court that the parties had intended to explore a settlement. Attempts to arrive at a Settlement took some time and this ended in parties not taking any steps towards the hearing of the suit for sometime. He told the Court that the parties were a father and wife and children. Being a land matter, he requested the Court not to dismiss the suit. He also told the Court that he had instructions to have the suit heard.
3. Mr. Kiongo for AG for the Respondent requested the Court not to dismiss the suit so that the suit could be heard on its merits.
4. Mr. Murango Mwenda , holding brief for Mr. Kaimenyi for the 1st , 2nd and 3rd Interested Parties, told the Court, that as an attempt to settle the matter had amounted to Zilch, Mr. Kaimenyi, his principal, was of the opinion that the only way the matter could be sorted out was for the suit to be heard.
5. I have considered the Submissions and the positions taken by the parties. They are all in agreement that the suit should be heard on its merits. I opine that the parties have shown to the satisfaction of the Court that this suit should not be dismissed.
6. In the Circumstances, I order that this suit be not be dismissed.
7. It is so ordered.

8. Costs shall be in the cause.

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

CC: Lilian /Daniel

Ken Muriuki h/b Kaimenyi for 1st, 2nd and 3rd Interested Party.

P. M. NJOROGI

JUDGE