



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**MILIMANI LAW COURTS**

**ENVIRONMENT AND LAND COURT**

**ELC. CASE NO. 93 OF 2015**

**IN THE MATTER OF THE LIMITATION OF ACTIONS ACT**

**CAP.22 LAWS OF KENYA**

**IN THE MATTER OF LAND REFERENCE NO. 76/364 SITUATED AT THINDIGUA IN**  
**KIAMBU MUNICIPALITY OF KIAMBU COUNTY**

**IN THE MATTER OF CLAIM FOR RIGHTS TO LAND BY PRESCRIPTION**

**BETWEEN**

PETER THUO KAMAU..... 1<sup>ST</sup> PLAINTIFF

GRACE MUTHONI THUO..... 2<sup>ND</sup> PLAINTIFF

AND

LUCY WAMAITHA KIARIE.....1<sup>ST</sup> DEFENDANT

SAMUEL KIARIE.....2<sup>ND</sup> DEFENDANT

FAITH MUTHONI CHURU

JOSEPH NDUNGU NJOROGE

LUCY WAMBUI WAWERU.....3<sup>RD</sup>, 4<sup>TH</sup> & 5<sup>TH</sup> DEFENDANTS

(SUED AS THE TRUSTEES OF P.C.E.A THINDIGUA CHURCH)

THE CHIEF LAND REGISTRAR, NAIROBI.....6<sup>TH</sup> DEFENDANT

**RULING**

I have studied this file, particularly Notice of Motion dated 9<sup>th</sup> February 2015, the Supporting Affidavit and the annexures thereto.

I have also studied Lucy Kiarie's Replying Affidavit sworn on 23<sup>rd</sup> March 2015 and Faith Churus Replying Affidavit sworn on 31<sup>st</sup> march 2015.

I have also studied Peter Kamau's Further Affidavit sworn on 5<sup>th</sup> May 2015.

I have considered the written submissions filed by both the Plaintiffs and the Defendants.

It is not in dispute that the Plaintiffs are in occupation of the suit property and were in occupation at the time the suit property was purchased by the 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> Defendants as trustees of P.C.E.A Thindigua Church. In these circumstances, I direct that the Plaintiffs do continue to remain in occupation of the suit property pending the hearing and determination of this suit.

To expedite the hearing of this suit, this court to allocate a date for pre-trial conference.

It is so ordered

**DELIVERED, DATED AND SIGNED IN NAIROBI THIS 7<sup>TH</sup> DAY OF OCTOBER 2016**

**MARY M. GITUMBI**

**JUDGE**