



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU

JUDICIAL REVIEW NO. 85 OF 2011

**IN THE MATTER OF AN APPLICATION BY RUFUS M'NAIVASHA M'MIRITI FOR AN
ORDER OF CERTIORARI**

AND

**IN THE MATTER OF THE CHAIRMAN MUTHAMBI DIVISIONAL LAND DISPUTES
TRIBUNAL CASE. NO. 1 OF 2011 OVERLAND PARCEL NO. MUTHAMBI/KANDUNGU/308**

BETWEEN

THE REPUBLICAPPLICANT

VERSUS

THE CHAIRMAN MUTHAMBI DIVISIONAL

LAND DISPUTES TRIBUNAL.....RESPONDENT

JULIUS MIRITI SEBASTIANO.....INTERESTED PARTY

EX-PARTE

RUFUS M'NAIVASHA M'MIRITI.....EXPARTE APPLICANT

RULING

1. This matter came up for showing cause why the suit should not be dismissed for want of prosecution.
2. Mr. Kiogora for the Exparte Applicant told the Court that the delay in the hearing and determination of the case was largely occasioned by the failure of the Respondent and the Interested Party to file their responses and apposite documents.
3. Mr. Kiongo for the Respondent and Miss Nyaga for the Interested Party have indeed admitted to Court that they have not filed their responses and apposite documents.
4. The Exparte Applicant has shown to the satisfaction of this Court that this suit should not be dismissed.
5. The SUIT is NOT dismissed.

6. The Respondent and the Interested Party are given 60 days as a last chance to file their responses and germane documents.

7. Costs shall be in the cause.

8. Directions on 25/01/2017.

9. It is so ordered.

DELIVERED IN OPEN COURT AT MERU THIS 10TH DAY OF NOVEMBER, 2016 IN THE PRESENCE OF:-

C.A Daniel/James

Kiogora Arithi for the Exparte Applicant

Kiongo for the Respondent

Miss Nyaga for the Interested Party

P.M. NJOROGE

JUDGE