

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KITALE

CIVIL SUIT NO.107 OF 2012

FRED K. SABAI & 4 OTHERS :::::::::::::::::::::::::::::: PLAINTIFFS

VERSUS

DISTRICT LAND ADJUDICATION &

SETTLEMENT OFFICER TRANS-NZOIA & 4 OTHERS ::::::DEFENDANTS

R U L I N G

1. The five applicants brought a notice of motion seeking to be enjoined to this suit as defendants. The applicants contend that they have discovered that the plaintiffs in this case are claiming land belonging to them and that it is therefore necessary that they be enjoined as defendants.

2. This application was duly served upon the plaintiff/respondents who have not opposed it. The first applicant is the allottee of Plot No. 697, at Kitalale Settlement Scheme Phase II, the second applicant is the allottee of Plot 699, the third applicant is the allottee of Plot 702, the fourth applicant is the allottee of Plot No.712 and the fifth applicant is the allottee of Plot No 714. A look at the plaint filed by the plaintiff/Respondents show that the plaintiffs are claiming Plot Nos 695 – 715 at Kitalale Settlement Scheme. The Plot Nos of the applicants fall among the ones being claimed by the plaintiff/respondents. The District Land Adjudication and Settlement Officer vide his letter of 15/8/212 has confirmed that the applicants are the lawful allottees of the plots they say are theirs. The applicants have also annexed to their respective affidavits copies of allotment letters issued to them. I therefore find that the applicants have demonstrated that they ought to be added as defendants in this case. I therefore direct that they be added as defendants in this case. The plaint herein shall accordingly be amended and the same served upon the new defendants only.

It is so ordered.

Dated, signed and delivered at Kitale on this 10th day of February, 2015.

E. OBAGA

JUDGE

In the presence of Mr Kiarie for Mr Ngeiywa for applicants. Court Clerk – Kassachoon.

E. OBAGA

JUDGE

10/2/2015