

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT EMBU

E.L.C. NO 242 OF 2014

FORMERLY KERUGOYA 458 OF 2014

PETER NJUE NJERU.....PLAINTIFF

VERSUS

JOHN NJUE NJIRU.....DEFENDANT

RULING

1. This is an urgent application brought by way of notice of motion by the applicant dated 7th April 2015. According to the applicant, the suit land, the subject matter of this suit has been transferred to another 3rd party.
2. The application seeks that the ruling of this court be suspended pending the hearing of joining the 3rd party to this proceedings.
3. The application is supported by the annexed affidavit to which is annexed the title deed. The title deed shows that one Fredrick Nyaga M'thura is the registered co-owner of the suit land along with the defendant herein.
4. The title deed was issued on 31st August 2010. It is clear from the foregoing that the omission of Fredrick Nyaga M'thura as a co-defendant was an error. He is a necessary party to this case.
5. In the circumstances, Fredrick Nyaga M'thura is hereby ordered to be joined as a party to these proceedings.

RULING DATED, SIGNED and DELIVERED in open court at EMBU this 5th day of MAY 2015.

In the presence of Mr Mulango holding brief for Mr Mungai for plaintiff and Ms Muriuki holding brief for Mr Ithiga

Court clerk Mr Kandia

J.M. BWONWONGA

JUDGE