



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

CIVIL SUIT NO. 138 OF 2014

IN THE MATTER OF L. R. NO. ABOGETA/NKACHIE/660

AND

IN THE MATTER OF THE LIMITATION OF ACTIONS ACT (CAP)221 LAWS OF KENYA

AND

IN THE MATTER THE REGISTERED LANDS ACT(CAP 300 LAWS OF KENYA)

AND

IN THE MATTER OF ORDER 37 OF THE CIVIL PROCEDURE RULES

BETWEEN

HELLEN KAIREMU MURIIRA

VERSUS

RAPHAEL MUTURI NJOGU

R U L I N G

This application is dated 22<sup>nd</sup> day of September, 2014 and seeks Orders:-

1. ***THAT*** this application be heard on priority basis.
2. ***THAT*** the Honourable Court be pleased to allow Plaintiff to serve the defendant by way of substituted service.
3. ***THAT*** an inhibition do issue restraining any dealings in Land Parcel No. ABOGETA/NKACHIE/660 pending the hearing and determination of this application.
4. ***THAT*** costs of this application be provided for.

It is supported by the affidavit of the applicant and has the following grounds:-

1. **Defendant cannot be traced for service.**

Prayers 2 and 3 were granted exparte on 24/09/2014. Advocates representing the parties were in Court today. The Respondent was also in Court. The matter is deemed to have been heard interpartes and the application is deemed to be allowed following interpartes oral submissions. To expedite the hearing

and determination of this suit I issue the following Orders:-

1. *An Order of inhibition is issued restraining any dealings in Land Parcel NO. ABOGETA/NKACHIE/660 pending the hearing and determination of this suit.*
2. *The Plaintiff should fully comply with Order 11 CPR within 30 days of today and the defendant is to do so within 30 days after the service of compliance documents upon him by the Plaintiff.*
3. *The Plaintiff should set the case down for hearing within 30 days after achievement of the apposite compliance.*
4. *Costs shall be in the caused.*
5. *Directions on 16/10/2015.*

**Delivered in Open Court at Meru this 7th day of July, 2015 in the presence of:**

Cc Daniel/Lilian

Mbogo for Plaintiff

Kiautha Arithi for defendant

**P.M.NJOROGE**

**JUDGE**