



**REPUBLIC OF KENYA**

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

**MISC. APPLICATION NO. 76 OF 2015**

**GICHUNGE M'KAUNGANYI AITHULA.....APPLICANT**

**VERSUS**

**FREDRICK NTONGAI M'ERIMBA.....RESPONDENT**

**R U L I N G**

This application is filed under Section 18 of the Civil Procedure Act. It seeks orders:

1. ***THAT by consent of the Advocates for the Applicant and the Respondent, Prayer No. 2 of the Notice of Motion dated 28.10.2015 be allowed.***
2. ***THAT the running file, upon consolidation, be Meru CMCC NO.255 of 2013.***
3. ***THAT costs of the application be in the cause.***

The application is supported by the Applicant Gichunge Aithula and has the following grounds;

- a) ***That the subject matters in both suits are land Reg. No. Njia/Burieruri/5118 and 5119 which are sub-divisions of land Reg. No. Njia/Burieruri/5100.***
- b) ***That the parties and issues of law to be considered are the same in both suits.***
- c) ***The transfer of Maua CMCC No. 220 of 2015 to the Chief Magistrate's Court at Meru and consolidation with Meru C.M.C.C. No 255 of 2013 shall prevent a multiplication of suits involving the same parties and over similar issues.***

On 5th November 2015, the parties tendered a consent duly signed by their advocates and asked the Court to adopt the consent as its order. The consent dated 4th November, 2015 is adopted as an order of this court.

**It is so ordered.**

**Delivered in open Court at Meru this 5th day of November, 2015 in the presence of:-**

Cc. Daniel/Lilian

Muthamia h/b Kaimenyi for the Applicant

Mririgi Kaburu for Respondent

**P. M. NJOROGE**

**JUDGE**