





find, failed him. The explanation he has given is, in the circumstances of the case, plausible. I consider that the parties are disputing over land. No prejudice will be suffered that costs cannot compensate. Further, it is appreciated that justice is best served when parties to a dispute are heard, and are allowed to call witnesses, before their matter is determined. I allow the application, but ask that the Plaintiff do pay costs.

**Dated, signed and delivered at Bungoma this 11<sup>th</sup> day of July 2012.**

**A. O. MUCHELULE**  
**JUDGE**