



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO. 24 OF 2019

CATHERINE WANJA NJOKA.....1ST PLAINTIFF

DOROTHY KAGENDO MURIUKI.....2ND PLAINTIFF

VERSUS

JOHN NJAGI DAN.....DEFENDANT

MUTEGI DAN.....PROPOSED INTERESTED PARTY

RULING

1. This application which is brought to court under Sections 1A, 1B, 3 and 3A of the Civil Procedure Act and Orders 1 Rule 3 and 51 Rule 1 of the Civil Procedure Rules seeks the following orders:

1. THAT there be an order to enjoin one MUTEGI DAN to these proceedings as an interested party (Suing on his own behalf and on behalf of all the other beneficiaries as per the confirmed grant dated 15th November, 2018).

2. Cost of this application be borne by the plaintiffs.

2. The application is supported by the affidavit of Mutegi Dan, the applicant, sworn on 26th October, 2020.

3. The application has the following grounds:

1. THAT the orders sought by the plaintiffs herein as against the defendant will prejudice the dependents of their rightful inheritance since the property was already subdivided amongst all the dependents according to the certificate of confirmation dated 15th November, 2018.

2. THAT the interested party MUTEGI DAN and the other dependents of the deceased stand to suffer irreparable harm since any orders granted by this Honourable court will adversely affect them.

3. THAT it is in the interest of justice that the applicant therefore be enjoined to safeguard their interest and be given the right to redress before court.

4. When the application was heard on 14/12/2020, the other parties indicated that they were not opposed to the application.

5. In the circumstances the following orders are issued:

a) Prayer 1 is granted.

b) Costs shall be in the cause.

Delivered in open Court at Chuka this 14th day of December, 2020 in the presence of;

CA: Ndegwa

Miss Wahome for the applicant

Mwiti h/b Murithi for the Plaintiffs

Muthomi Gitari for the defendant.

P. M. NJORGE

JUDGE