



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT CHUKA**

**CHUKA ELC CASE NO. 06 OF 2018**

**IN THE MATTER OF THE REGISTRATION OF LANDS ACT NO. 3 OF 2012 SECTION 28(H)**

**AND IN THE MATTER OF ORDER 37 RULE 7 CIVIL PROCEDURE RULES**

**AND IN THE MATTER OF SECTION 38 OF THE LAW OF LIMITATION OF ACTIONS ACT CHAPTER 22**

**LAW OF KENYA**

**AND IN THE MATTER OF AN APPLICATION BY MORRIS KIRUJA MPUNGU AND GENESIO KIRAITHE MPUNGU THAT THE COURT DO MAKE A DECLARATION THAT THEY ARE ENTITLED TO 2.80 ACRES COMPRISED IN L.R. NO. MUTHAMBI/EREGA/204 UNDER THE DOCTRINE OF ADVERSE POSSESSION**

**AND IN THE MATTER OF AN APPLICATION BY MORRIS KIRUJA MPUNGU AND GENESIO KIRAITHE MPUNGU THAT THEY BE REGISTERED WITH 2.80 ACRES COMPRISED IN L.R. NO. MUTHAMBI/EREGA/204 WHICH THEY HAVE ACQUIRED UNDER THE DOCTRINE OF ADVERSE POSSESSION**

MORRIS KIRUJA MPUNGU.....1<sup>ST</sup> APPLICANT

GENESIO KIRAITHE MPUNGU.....2<sup>ND</sup> APPLICANT

**AND**

MARGRET NGIRI MUCHIRI.....1<sup>ST</sup> RESPONDENT

ROBERT NYAGA RUTERE.....2<sup>ND</sup> RESPONDENT

**RULING**

1. On **20<sup>th</sup> October, 2018**, the parties were given orders to comply with order 11, CPR, with the applicant required to do so within 14 days of that day and the respondents to do so within 14 days after receipt of the applicant's compliance documents. Parties were directed to come to court to confirm compliance on **25.3.2019**.
2. On **25.3.2019**, only the applicant had complied. Although Robert Nyaga Rutere, the 2<sup>nd</sup> respondent was in court, the respondents' advocate was not in court. Mr. I.C.Mugo, the applicant's advocate, asked the court to give the suit a hearing date.
3. No explanation was given as to why the respondents had not complied with order 11 CPR. I will, therefore, give this matter a hearing date.
4. The respondents are given a last chance to comply and serve compliance documents upon the applicant.
5. I issue the following orders:
  - a) The respondents are granted a last chance to fully comply with order 11, CPR, within the next 14 days.
  - b) The **suit will be heard** on **27<sup>th</sup> May, 2019**.
6. It is so ordered.

**Delivered in open Court this 25<sup>th</sup> day of March, 2019**

in the presence of:

CA: Ndegwa

I.C. Mugo for the applicant

Robert Nyaga Rutere - 2<sup>nd</sup> respondent

**P.M. NJORGE**

**JUDGE**