



**REPUBLIC OF KENYA**

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

**CHUKA ELC CASE NO. 10 OF 2018 (OS)**

**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 LAWS F KENYA**  
**AND**

**IN THE MATTER OF AN APPLICATION BY NJERU PHILIP NJOKA THAT THE COURT DO MAKE A DECLARATION THAT HE IS ENTITLED TO 2.01 ACRES OF LR: MAGUMONI/MUKUUNI/303 UNDER THE DOCTRINE OF ADVERSE POSSESSION AND**

**IN THE MATTER OF AN APPLICATION BY NJERU PHILIP NJOKA THAT HE BE REGISTERED WITH 2.01 ACRES OUT OF LR:MAGUMONI/MUKUUNI/303 WHICH HE HAS ACQUIRED UNDER THE DOCTRINE OF ADVERSE POSSESSION**

**BUNDI KIRAGU.....PLAINTIFF**

**VERSUS**

**BENJAMIN COLLINS MATI.....1<sup>ST</sup> DEFENDANT**

**GERRAD NYAGI WILSON.....2<sup>ND</sup> DEFENDANT**

**RULING**

1. In this matter, it is clear that the parties have not fully complied with order 11, CPR. The 1<sup>st</sup> defendant who is not represented by an advocate has called his compliance documents “DEFENCE PAPERS.” He is a lay man.
2. Upon consideration of the totality of the circumstances of this case, and to expedite hearing and determination of this suit, full compliance is in accordance with order 11 Rule 1 of the Civil Procedure Rules exempted.
3. The suit will be heard on **27.5.2019**.
4. It is so ordered.

Delivered in open court at Chuka this **6<sup>th</sup> day of May, 2019** in the presence of:

CA: Ndegwa

Kaimenyi h/b I.C. Mugo for the Plaintiff

1<sup>st</sup> defendant Benjamin Collins Mati – present in person

J. Mwiti h/b Victor Andande & Co. absent for the 2<sup>nd</sup> Defendant

Gerrald Nyagi Wilson – 2<sup>nd</sup> defendant present

**P. M. NJOROGE**

JUDGE