



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO. 14 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

JULIA MUGURE (suing as the administratrix of the

estate of the late Wilfred Njagi Kiragu deceased).....PLAINTIFF

VERSUS

BENJAMIN COLLINS MATI.....1ST DEFENDANT

GERRAD NYANGI WILSON.....2ND DEFENDANT

RULING

1. In this matter, it is clear that the parties have not fully complied with order 11, CPR. The 1st 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 **8.7.2019**.

4. It is so ordered.

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

CA: Ndegwa

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

J. Mwitii h/b Andande for the 2nd Defendant

Benjamin Mati – 1st defendant

P. M. NJOROGE

JUDGE