



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT CHUKA

CHUKA ELC CASE NO. 13 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 OF KENYA AND

IN THE MATTER OF AN APPLICATION BY ALEXANDER NYAGA THAT

THE COURT DO MAKE A DECLARATION THAT HE IS ENTITLED TO

1.00 ACRES OUT OF LR: MAGUMONI/MUKUUNI/303 UNDER THE

DOCTRINE OF ADVERSE POSSESSION AND

IN THE MATTER OF AN APPLICATION BY ALEXANDER NYAGA THAT

HE BE REGISTERED WITH 1.00 ACRE OUT OF LR:MAGUMONI/

MUKUUNI/303 UNDER THE DOCTRINE OF ADVERSE POSSESSION

ALEXANDER NYAGA.....APPLICANT

VERSUS

BENJAMIN COLLINS MATI.....1ST RESPONDENT

GERRAD NYAGI WILSON.....2ND RESPONDENT

RULING

1. This Ruling is meant to implement this court's order in **ELC 10 OF 2018 (OS)** where the court expunged documents filed by the 1st defendant through his submissions and also fixed the **15th of October, 2019** as the date for delivery of the apposite judgment. The said ruling reads as follows:

RULING

1. This matter came up for fixing of a date for delivery of judgment after all parties had filed their written submissions.
2. Mr. Kaminza, holding brief for Miss Ambani asked the court to expunge annexures 11 to 14 filed by the 1st defendant arguing that new evidence cannot be introduced through submissions.
3. I agree. These documents are hereby expunged. This includes the same documents, if they have been filed in respect of ELC Numbers 11, 12, 13 and 14 where the 1st defendant is also the 1st defendant.

4. Parties are directed to ensure that they have filed soft copies of their written submissions within 7 days of today.

5. It is ordered that a copy of this ruling be filed in ELC 11, 12, 13 and 14 as the contents of this ruling will also apply to those cases.

6. Judgment in ELC 10, 11, 12, 13 and 14 will be delivered on 15th October, 2019.

7. It is so ordered.

Delivered in open court at Chuka this 23rd day of September, 2019 in the presence of:

CA: Ndegwa

IC Mugo for the Plaintiff

Kaminza h/b M/s Ambani for the defendant

P. M. NJOROGE

JUDGE

Delivered in open court at Chuka this 23rd day of September, 2019 in the presence of:

CA: Ndegwa

IC Mugo for the Plaintiff

Kaminza h/b M/s Ambani for the defendant

P. M. NJOROGE

JUDGE