



**REPUBLIC OF KENYA**

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

**ELC CASE NO. 319 OF 2017**

**LUCIAH NTHIGAU MUCHIRI.....PLAINTIFF**

**VERSUS**

**FREDRICK TIMAU.....DEFENDANT**

**RULING**

1. This ruling is in respect of case no 319 of 2017 and 316 of 2017.
2. The orders given by the court on 6.11.2017 gave directions on the scene visit whereby the Deputy Registrar's report was to capture who is in occupation and utilization of the two parcels of land and the developments there on.
3. The scene visit report appears to capture the suit land as title no. Kiiirua/Nkando/3406 yet parcel No. Kiiirua Nkando/326 was to be included (noting that this appears to be the suit land). The scene visit report is hence not conclusive and cannot guide the court to make a ruling in terms of the court's orders of 27.2.2018.
4. The parties and their advocates had a duty to guide the Deputy Registrar on where the two parcels of land were situated. The ruling in respect of the two applications is hence put on hold until the parties clarify on why land parcel no. 326 is not mentioned in the report.

**DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS DAY OF 18<sup>th</sup> APRIL, 2018**

**IN THE PRESENCE OF:-**

**Court Assistant:** Janet/Galgalo

Kiongo holding brief for Mwenda Mwarania for plaintiff present

Gichunge for defendant present

**HON. LUCY. N. MBUGUA**

**ELC JUDGE**