



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO. 300 OF 2017 (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 LIMITATION OF ACTIONS ACT CHAPTER 22 LAWS OF KENYA

AND IN THE MATTER OF AN APPLICATION BY GILBERT NKONGE ERASTUS

**THAT THE COURT DO MAKE DECLARATION THAT HE IS ENTITLED TO 1.00 ACRES OUT OF LR:
MUTHAMBI/KANDUNGU/1516 UNDER THE DOCTRINE OF ADVERSE POSSESSION**

AND IN THE MATTER OF AN APPLICATION BY GILBERT NKONGE ERASTUS

**THAT HE BE REGISTERED WITH 1.00ACRES OUT OF LR; MUTHAMBI/KANDUNGU/1516 WHICH HE HAS ACQUIRED
UNDER THE DOCTRINE OF ADVERSE POSSESSION**

GILBERT NKONGE ERASTUS.....APPLICANT

VERSUS

HENRY KIMANI M'RIMI.....RESPONDENT

RULING

1. The applicant through his Originating Summons dated **20th November, 2017** sought an order declaring him to be owner of one acre out of land parcel Number **MUTHAMBI/KANDUNGU/1516** through the doctrine of adverse possession.
2. On **29th May, 2018**, Mr. Mark Muriithi told the court that the respondent was deceased and that by the time he died, he had not been served with the suit papers.
3. Mr. Muriithi told the court that he had instructions from advocate I.C. Mugo, the Applicant's advocates, that the suit be withdrawn.
4. In the circumstances, **this suit is marked as withdrawn.**
5. The suit should be removed from the list of pending ELC Cases at Chuka.
6. It is so ordered.

Delivered in open Court at Chuka this 30th day of May, 2018 in the presence of:

CA:Ndegwa

Mugo present for the applicant

Defendant deceased

P.M. NJOROGE

JUDGE