

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT NAROK

EL CAUSE NO. 372 OF 2017

MARGARET NAISIANOI OLOSOSO.....PLAINTIFF

VERSUS

JOSHUA MORANA OLOSOSO.....DEFENDANT

RULING

The Application before me is the Notice of Motion dated 3rd November, 2017 seeking for leave to amend the Plaint dated 10th April, 2017 and the amended plaint attached to the Application be deemed as duly filed.

The Application was based on the grounds that the suit land Cis Mara/Enabelbel/Enenetia/221 was initially not sub-divided but during the pendency of the suit herein the parcel was sub-divided into CIS MARA/ENABELBEL/ENENGETIA/1227, 1228 and 1229 and that the proposed 2nd Defendant carried out the said sub-division.

The Applicant further states that the amendments will enable the court to determine the issue between the parties and to support the grounds hereinabove stated. The Application was supported by the Affidavit of Margaret Naisiano Olososo in which she deponed to the grounds which the application is based.

When the Application came up for hearing before me on 24th July, 2018 I granted leave to the Respondent to file their response and have the Application disposed off by way of written submissions.

The Respondent despite the grant of time has failed to respond to the Application arising from failure to file his Replying Affidavit and the Application stands unopposed. In the circumstances, I will allow the Applicant to amend the Plaint as prayed. Costs be in the cause.

Dated, Signed and Delivered in open court at NAROK on this 25th day of September, 2018

Mohammed Noor Kullow

Judge

25/9/18

In the presence of:-

Nchoe holding brief for Muigai for the plaintiff

N/A for the Defendant

CA:Chuma