



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO 66 OF 2017

FORMERLY MERU ELC CASE NO. 188 OF 2016

SARAH KATHINI KAMUNYU.....PLAINTIFF

VERSUS

MAKUNYI RWANDA.....1ST DEFENDANT

KATHIIRI MAKUNYI.....2ND DEFENDANT

AND

BEATRICE MUTHONI KANAKE.....PROPOSED INTERESTED PARTY

RULING

1. This application is dated **28th August, 2018** and seeks the following orders:

1. That the honourable court be pleased to order the proposed Interested Party be joined to this suit herein.
2. That subsequently, this honourable court be pleased to allow the proposed Interested Party to voice her concerns before any further step is taken in the matter.
3. That the costs of this application be provided for.

2. It has the following grounds:

- a. That the proposed Interested Party has a substantial stake in the outcome of this suit due to the fact that she owns parcel No. 3137 which will be greatly affected and/or will have a direct bearing depending on the final resolution of this case by the honourable court.
- b. That the proposed Interested Party was not a party to the conclusion that the subject suit lands all lose a portion so as to shoulder the interests of the plaintiff thus the need to be added to this suit and have their sentiments voiced.
- c. That going by the surveyors report and recommendations, the proposed Interested Party stands to lose a lot in a case which she has not been made a party to or be given a chance to be heard a thing that will be detrimental not only to herself but her family as a whole.
- d. That the proposed Interested Party's desires is to be heard together with the current defendants and cannot be heard unless or until she has been joined as a party to the suit.
- e. That the proposed Interested Party ought to be protected by this honourable court from any orders that may be made that will affect the proposed Interested Party's claim to the suit property in question.
- f. That the inclusion of the proposed Interested Party to this suit at this stage shall in no way prejudice either of the parties whatsoever save to add that the same shall help in the quick and just expedition of this suit.
- g. That it is just and reasonable to grant the orders sought.

3. During interpartes hearing on **25th September, 2018**, it transpired that the application was not opposed.

4. In the circumstances, the application is allowed.

5. Costs shall be in the cause.

6. It is so ordered

Delivered in Open Court at Chuka this 25th day of September, 2018 in the presence of:

CA: Ndegwa

Murango Mwenda for the plaintiff

Makunyi Rwanda – 1st Defendant

Kathiiri Makunyi – 2nd defendant

Ashava for the Interested Party

P. M. NJOROGI,

JUDGE.