



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT KITALE

LAND CASE NO. 73 OF 2013

JAYESH AUTOSPARES LTD PLAINTIFF

VERSUS

KAPTERIT RAPID COMPANY LTD 1ST DEFENDANT

JOHN WEPUKHULU WALIAULA 2ND DEFENDANT

THE ATTORNEY GENERAL 3RD DEFENDANT

R U L I N G

1. I have considered the submissions of the parties. The State Counsel never listed the Land Registrar as one of the State's witnesses. The plaintiff listed him among his witnesses. In my view the Land Registrar is supposed to give truthful evidence at any time when he is testifying before the court; whether called by the plaintiff or by any other party. Any dissatisfaction with what he has stated can be dealt with by way of cross-examination. I will allow the plaintiff to proceed with the examination-in-chief of the Land Registrar. Thereafter, the State Counsel will have the first opportunity to examine him before any other party cross-examines him.

2. Hearing to proceed.

Dated, signed and delivered at Kitale on this 30th day of October, 2018.

MWANGI NJOROGE

JUDGE

30/10/2018

Coram:

Before Hon. Mwangi Njoroge, Judge

Court Assistant - Picoty

N/A for the parties

COURT

Ruling read in open court.

MWANGI NJOROGE

JUDGE

30/10/2018