



**REPUBLIC OF KENYA**

**IN THE HIGH COURT AT CHUKA**

**CHUKA ELC CASE NO 08 OF 2017**

**FORMERLY MERU ELC CASE NO. 18 OF 2014**

**IN THE MATTER OF LIMITATION OF ACTIONS ACT CAP 22, SECTION 7, 37 & 38**

**AND**

**IN THE MATTER OF LAND REGISTRATION ACT NO. 3/2012, SECTION 28**

**AND**

**IN THE MATTER OF AN APPLICATION BY PAUL NDUBI NKOROI UNDER THE  
LIMITATION OF ACTION ACT THAT BE REGISTERED WITH 0.23 ACRES OUT OF LR:  
KIERA EAST MAGUTUNI/166**

**AND FOR A DECLARATION THAT THE APPLICANT BE REGISTERED WITH 0.23 ACRES  
OUT OF LR:KIERA EAST MAGUSTUNI/166**

**BETWEEN**

**PAUL NDUBI NKOROI.....APPLICANT**

**VERSUS**

**JUSTUS KIRIGIA M'IKIARA.....RESPONDENT**

**RULING**

1. The parties came to court on 28.2.2017 to show cause why this suit should not be dismissed in terms of order 17 rule 2(1) of the Civil Procedure Rules.
2. Mr. Mugo attributed the delay in the prosecution of this suit to the lengthy sickness of the plaintiff. He told the court that the sickness was so serious that the plaintiff is now an amputee. He asked the court to give the plaintiff a chance to prosecute his suit.
3. Despite service, the defendant was not in court.
4. I find that the plaintiff has shown cause to the satisfaction of this court that this suit should **NOT** be dismissed.
5. The plaintiff is ordered to serve upon the defendant the orders issued by the court within 10 days of today.

6. The plaintiff is ordered to fully comply with order 11, CPR, within 14 days of today and the defendant is ordered to do so within 14 days of receipt of the plaintiff's compliance documents.

7. Directions on 27.3.2017.

8. It is so ordered.

**Delivered in open court at Chuka this 28<sup>th</sup> day of February, 2017 in the presence of:**

CA: Ndegwa

I.C. Mugo for the Plaintiff

Defendant **NOT** present

**P.M. NJOROGI**

**JUDGE**