

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

ENVIRONMENT AND LAND COURT

CIVIL SUIT 18 OF 2015 (OS)

IN THE MATTER OF SECTION 37 & 38 OF THE LIMITATION OF ACTION ACT

AND

IN THE MATTER OF ADVERSE POSSESSION OF LR. ABOTHUGUCHI/GITHONGO/1147

ERIC MUTWIRI KINYUAAPPLICANT

VERSUS

KIRAI M'MWERIARESPONDENT

R U L I N G

I find that the Preliminary Objection is dated 04:04:16 and it was filed on 15:04:16. Respondent was given adequate time to prosecute the said Preliminary Objection. No. plausible explanation has been advanced as to why the orders of 29.11.16 were not complied with. As such, I decline to grant any more time. Instead, I direct the matter to proceed as if the Preliminary Objection is not there.

DELIVERED IN OPEN COURT AT MERU THIS 27TH DAY OF FEBRUARY, 2017 IN THE PRESENCE OF:-

C:A Mungai/Kananu

W. P. Mburugu for Applicant

Muthamia h/b Mokuu for the Respondent

L. N. MBUGUA

JUDGE