



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT CHUKA

CHUKA ELC CASE NO 140 OF 2017

FORMERLY MERU ELC CASE NO. 33 OF 2011(O.S)

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

AND IN THE MATTER OF THE REGISTERED LAND ACT CAP 300 SECTION 30

**AND IN THE MATTER OF AN APPLICATION BY JASON GITARI NJOKA UNDER THE
LIMITATION**

OF ACTIONS ACT THAT HE BE REGISTERED WITH LR; MAGUMONI/RUBATE/757, 758,

759 AND 760 IN PLACE OF EILEEN KAGENDO MBAKA, TIMOTHY MURIUKI MUTEGLI,

FREDRICK MBAKA M'ABORES AND ERNEST MURITHI GACICI RESPECTIVELY

AND FOR A DECLARATION THAT THE APPLICATION BE REGISTERED AS ALL THAT

WHICH IS CONTAINED IN LR;MAGUMONI/RUBATE/757, 758, 759 AND 760

BETWEEN

JASON GITARI NJOKA.....APPLICANT

VERSUS

FRANCIS GACICI IRUBIA.....1ST RESPONDENT

EILEEN KAGENDO MBAKA.....2ND RESPONDENT

TIMOTHY MURIUKI MUTEGLI.....3RD RESPONDENT

FREDRICK MBAKA M'ABORES.....4TH RESPONDENT

ERNEST MURITHI GACICI.....5TH RESPONDENT

RULING

1. This application is dated 17.2.2017 and seeks orders:

1. That the court do grant plaintiff/applicant leave to amend his pleadings and in particular the O.S dated 7th March, 2011.
2. That the draft amended O.S be adopted as the amended O.S and the same be deemed as filed and served.
3. Costs of this application be provided for.

2. The application is supported by the affidavit of JASON NJOKA and has the following grounds:

- a. That land parcel LR; MAGUMONI/RUBATE/961 was inadvertently omitted as one of the suit lands.
- b. That the total acreage indicated in the O.S is far less than the actual total acreage covered by the suit lands.
- c. That in order to bring all the issues involved in the suit the amendment prayed for is necessary.
- d. That no party stands to suffer any prejudice in the event that the orders sought are granted.

3. During interpartes hearing, the application was not opposed.

4. In the circumstances it is allowed.

5. The defendant is granted 14 days to respond to the application and to file apposite documents.

6. Costs shall be in the cause.

7. Directions on 10.4.2017.

8. It is so ordered.

Delivered in open court at Chuka this 14th day of March, 2017 in the presence of:

CA: Ndegwa

I.C. Mugo for the plaintiff

David Gichuki for the defendant

P.M. NJOROGE

JUDGE