



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**  
**LAND AND ENVIRONMENT DIVISION**  
**CIVIL SUIT NO 25 OF 2013**

FATUMA MOHAMED ALI.....PLAINTIFF

VERSUS

BORU DIKA.....1<sup>ST</sup> DEFENDANT

HENRY KIMATHI .....2<sup>ND</sup> DEFENDANT

FESTUS NYAGA KAMBERIA.....3<sup>RD</sup> DEFENDANT

**R U L I N G**

The matter is coming up for confirmation of compliance(Order 11). This is a case whereby the issue of compliance has been running since 16:02:16. The Court had given time lines on compliance. On 22:02:17, Counsel for 2nd and 3rd defendant, Mr. Kibiti had told the Court that they only needed 7 more days to comply.

The Court indulged them, so did the other parties.

I find that there is no plausible reason advanced as to why the 2nd and 3rd Defendants have not complied since February, 2016. The orders made on 22:02:17 were as follows:-

*“ 2nd and 3rd Respondent are given final chance to comply”.*

Such orders should not be made in vain. Pursuant to provisions of **Article 159 2 (b)** as well as Section 1 A (3) of the C.P.A, I decline to extend the time for compliance. The Court will proceed to give directions on how case will proceed.

**DELIVERED IN OPEN COURT AT MERU THIS 1ST DAY OF MARCH, 2017 IN THE PRESENCE OF:-**

CA: Dalphine

Miss Rimita for 2nd Defendant

Nyenyire h/b for Kabiru for Plaintiff

Munene for 1st and 3rd Defendant

**L. N. MBUGUA**

**JUDGE**