



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT MERU**

**ORIGINATING SUMMONS NO 52 OF 2016 (OS)**

**IN THE MATTER OF LIMITATION OF ACTIONS ACT BY EVANGELINE KAJUJU  
MARETE AND SIMON MUGAMBI MARETE FOR LEAVE TO FILE SUIT OUT OF TIME**

**EVANGELINE KAJUJU MARETE .....1ST APPLICANT**

**SIMON MUGAMBI MARETE.....2ND APPLCANT**

**VERSUS**

**FREDRICK MUTHAMIA M'IBERE .....RESPONDENT**

**R U L I N G**

1. Vide the originating summons filed in Court on 20.05.16, applicant for leave of Court to file suit out of time against Fredrick Muthamia Ibere Applicant is seeking equitable share of the land parcel No. ABOGETA/KIUNGONE/1727 and 1728.

2. In support of the application, applicant has averred that she discovered the anomaly in November 2000 after visiting the land Registry and she tried to have the matter solved amicably in vain. He further states that the intended Defendant not only committed fraud but that he gave applicant an unequitable share. They further state that the period of filing the suit (12) years has lapsed due to the trickery of the intended defendant.

3. I find that in order to resolve the substantive issues appertaining to the dispute , it is necessary to have the matter heard in Court.

4. In the Circumstances I allow the application on condition that the suit is filed within 14 days from the date of delivery of this ruling. No orders as to costs.

**DELIVERED IN OPEN COURT AT MERU THIS 10TH DAY OF MAY, 2017 IN THE PRESENCE OF:-**

CA: Janet

Muthamia h/b for Ondari for Applicant

**HON. L.N. MBUGUA**

**JUDGE**