



**REPUBLIC OF KENYA**

**IN THE LAND AND ENVIRONMENT COURT OF KENYA AT KAKAMEGA**

**ELC CASE NO. 493 OF 2014**

**RAMADHAN MAKOKHA INJAMU.....PLAINTIFF**

**VERSUS**

**ENOKA WATAKO MAKOKHA.....1<sup>ST</sup> DEFENDANT**

**CO-OPERATIVE BANK OF KENYA LTD.....2<sup>ND</sup> DEFENDANT**

**JOSEPH MUNGAI GIKONYO.....3<sup>RD</sup> DEFENDANT**

**AND**

**CHARLES OMERY KWANGOTO.....APPLICANT**

**RULING**

The application is dated 24<sup>th</sup> march 2015 and is brought under order 1 rule 10 and 25 of the civil procedure rules and seeking the following orders;

1. That MR. CHARLES OMERY KWANGOTO to be joined to this case as the 4<sup>th</sup> defendant.
2. That cost be provided for.

The application is based on the grounds that the applicant purchased land parcel number NORTH WANGA/MATUNGU/50 at a public auction. The applicant submitted that he is an interested party in that property which is the subject of this suit namely NORTH/WANGA/MATUNGU/50. That on 19<sup>th</sup> April, 2012 I attended a public auction which was being conducted by GARAM INVESTMENTS whereby he was the highest bidder of the land. That he attended the auction pursuant to the advertisements done by GARAM INVESTMENTS. Annexed and marked CO1 is a copy of the advertisement. After he was successful, he was able to pay the required prize and the charge duly released to him documents in relation to the land. Annexed and marked CO2 is a letter forwarding the documents. He is unable to register his documents because the court issued an order which was filed at the land registry on 3<sup>rd</sup> of August, 2012. Annexed and marked CO3 is a copy of the search certificate to proof that fact. He therefore, claims ownership of the land and wishes to be enjoined as a party herein to suit. That he has now filed my pleadings which are hereby annexed and marked CO4. He wants to be joined as an interested party with a counter-claim to the land. All the parties to this application were served but failed to file any grounds of opposition.

This court has considered the application of the applicant. He submitted that he is an interested party in that property which is the subject of this suit namely NORTH/WANGA/MATUNGU/50. That on 19<sup>th</sup> April, 2012 he attended a public auction which was being conducted by GARAM INVESTMENTS whereby he was the highest bidder of the land. That he attended the auction pursuant to the advertisements done by GARAM INVESTMENTS. Annexed and marked CO1 is a copy of the advertisement. After he was successful, he was able to pay the required prize and the charge duly released to him documents in relation to the land. I find this application has merit and grant it as prayed. Costs to be in the cause.

Orders accordingly.

**DELIVERED, DATED AND SIGNED AT KAKAMEGA IN OPEN COURT THIS 21<sup>ST</sup> DAY OF JUNE 2017.**

**N.A. MATHEKA**

**JUDGE**