



**REPUBLIC OF KENYA**

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

**CHUKA ELC CASE NO 197 OF 2017**

**FORMERLY MERU ELC CASE NO. 314 OF 2013**

JULIUS NJAGI NKUMBARU.....1<sup>ST</sup> PLAINTIFF

STANLEY KAGEME NKUMBARU

ALIAS STANLEY KAGEMBE NKUMBARU.....2<sup>ND</sup> PLAINTIFF

SEVELINA GACHONOKI NKUMBARU.....3<sup>RD</sup> PLAINTIFF

VERSUS

JOHNSON MUTHOMI KITHURE.....1<sup>ST</sup> DEFENDANT

DISTRICT LAND ADJUDICATION &

SETTLEMENT OFFICER – MERU SOUTH.....2<sup>ND</sup> DEFENDANT

DISTRICT LAND REGISTRAR MERU SOUTH...3<sup>RD</sup> DEFENDANT

HON. ATTORNEY GENERAL .....4<sup>TH</sup> DEFENDANT

**RULING**

1. This application is dated 25<sup>th</sup> March, 2014 and seeks orders:

1. THAT this Honourable Court be pleased to grant leave to the plaintiff/applicant to enter judgment against the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Defendants herein as prayed in the plaint in default of appearance and filing of defence within the stipulated period of time.

2..THAT costs of the case and interest at the court's rate be provided for.

2. The application is buttressed by the affidavit of David Maitai Rimita swon on 25<sup>th</sup> March, 2014 and has the following grounds:

1. THAT the defendants though duly served with summons to enter appearance together with plaint have failed to enter appearance and/or have defaulted in filing defence.

2. THAT the stipulated period of time for filing has lapsed.

3. THAT it is therefore only fair and just that this application be allowed.

3. Despite the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> defendants having been allowed on 1.9.2016 60 days to respond to the suit and to file apposite documents, they did nothing.

4. In the circumstances, I find it meritorious to allow the application.

5. Leave is granted to the plaintiff to enter judgment against the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> defendants as prayed in the plaint in default of appearance and filing of defence within the stipulated period.

6. Costs shall be in the cause.

7. Directions on 9<sup>th</sup> October, 2017.

8. It is ordered.

**Delivered in open court at Chuka this 19<sup>th</sup> day of July, 2017**

in the presence of:

CA: Ndegwa

Rimita for the plaintiffs

**P.M. NJOROGE**

**JUDGE**