



REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT CHUKA
CHUKA ELC CASE NO 15 OF 2017
FORMERLY MERU ELC CASE NO. 170 OF 2014

IN THE MATTER OF 1 ½ ACRE OF LAND WITHIN LAND PARCEL NO. MAGUMONI/THUITA/494 REGISTERED IN THE NAMES OF KITHINJI NJOKA, MURITHINJOKA, MUTEMBEI NJOKA

LOYFORD MURIUKI RIARA.....1ST PLAINTIFF

ZIPPORAH MUTHONI RIARA.....2ND PLAINTIFF

CATHERINE CIANDEKE.....3RD PLAINTIFF

VERSUS

KITHINJI NJOKA.....1ST DEFENDANT

MURITHI NJOKA.....2ND DEFENDANT

MUTEMBEI NJOKA.....3RD DEFENDANT

JUSTIN NYAGA NKIINI.....4TH DEFENDANT

SUSAN CIAMWARI.....INTERESTED PARTY

RULING

1. This ruling concerns a Notice of Preliminary Objection filed by Advocate Nyamu Nyaga on 2nd March, 2015 on behalf of the 1st, 2nd and 3rd defendants.
2. The Preliminary Objection was heard inter partes on **18.7.2017**. Mr Nyamu Nyaga told the court that he was only interested in grounds 5 and 6 of the Preliminary Objection as all the other issues had been addressed subsequent to the filing of the Preliminary Objection.
3. Paragraph 5 states that the Originating Summons dated 3rd November, 2014 and the subsequent amended Originating Summons dated 11th February, 2014 have no leg to stand on in that they are not supported by any affidavit as required by law.
4. Paragraph 6 states that there is no copy of the Register, Certificate of Search and /or a copy of the Title Deed to support the Originating Summons filed in Court on 3rd November, 2014 as required by the law.
5. I do find that the issues being raised in this Preliminary Objection are not pure points of law as they invite arguments whose veracity can only be established through provision of evidence.
6. In the circumstances, this Preliminary Objection is dismissed.
7. Costs shall be in the cause.
8. Parties are ordered to move expeditiously so that the suit can be heard and determined on its merits.
9. It is so ordered.

Delivered in open court at Chuka this **18th day of July, 2017** in the presence of:

CA: Ndegwa

Muriithi h/b Miss Mutinda for the plaintiffs

Nyamu Nyaga for the defendants

P. M. NJORGE,

JUDGE.