



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO 87 OF 2017

MAGAMBO THAMBO.....PLAINTIFF

VERSUS

DICKSON KIRIMI IKIARA.....1ST DEFENDANT

DLASO MERU SOUTH/MAARA

SUB COUNTY.....2ND DEFENDANT

HON. ATTORNEY GENERAL.....3RD DEFENDANT

RULING

1. This application is dated 22nd August, 2017. It seeks orders:

1. That leave be granted to the plaintiff to request for interlocutory judgment against the 2nd and 3rd defendant.

2. That costs of this application be borne by the 2nd and 3rd defendants.

2. I have perused the plaint which seeks judgment jointly and severally against the defendants:

a) That the plaintiff is the bonafide owner of land parcel No. 2049 L/East/Magutuni.

b) Costs of this suit and interest at prevailing commercial rates.

c) Any other better relief that this Honourable court may deem fit and just to grant.

3. It is pellucid that the prayers sought do not come within the purview of the provisions of order 10 rule 6 of the Civil Procedure Rules.

4. Therefore, this application lacks merit.

5. This application is dismissed.

6. The 2nd and 3rd defendants are granted, at their request, 7 days to file apposite documents.

7. The plaintiff is granted 7 days, as he has requested, to serve the next date for directions upon the 1st

defendant.

8. Costs shall be in the cause.

9. It is so ordered.

10. Directions on 10.10.2017

Delivered in open court at Chuka this 26th day of September, 2017

in the presence of:

CA: Ndegwa

Womache for the plaintiff

Kiongo for the 2nd and 3rd defendants

P.M. NJORGE

JUDGE