



REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT CHUKA
CHUKA ELC CASE NO 208 OF 2017
FORMERLY MERU ELC CASE NO. 169 OF 2013

LUCY KARAUKI KIRAMBIA

(SUING AS THE LEGAL REPRESENTATIVE

OF THE ESTATE OF PETER

MURIUNGI KAUNGA (DECEASED).....PLAINTIFF/APPLICANT

VERSUS

MUTHENGI M'MWATHI MUTHIGU.....1ST DEFENDANT/RESPONDENT

THARAKA DISTRICT LAND

ADJUDICATION OFFICER.....2ND DEFENDANT/ RESPONDENT

THE HON. ATTORNEY GENERAL.....3RD DEFENDANT/RESPONDENT

RULING

1. This application is dated 30.10.2017 and seeks orders:

1.That the honourable court be pleased to grant the plaintiff/applicant leave to amend her plaint in terms of the amended plaint annexed hereto within 7 days from the date hereof.

2.That costs of the application be in the cause.

2. The application has the following grounds:

1. That the pleadings have closed.

2. That an amendment to the pleadings is necessary.

3. That for the court to properly determine the real issues in controversy between the parties, it is necessary for the plaintiff/applicant to amend her plaint.

3. That this application is intended to serve the interests of justice.

3. The application is supported by the affidavit of the applicant sworn on 30.10.2017 which states:

I, LUCY KARAUKI KIRAMBIA an adult female of sound mind and of P. O. Box 1568-60200, MERU residing in the Republic of Kenya do hereby make oath and solemnly state as follows:-

1. That I am the plaintiff /applicant herein, well versed with the facts of this matter and therefore competent to swear this affidavit.

2. That I need to amend my pleadings but cannot do so without the leave of this court.

3. That in order to accord the court an opportunity to effectually adjudicate on the issues in dispute in this suit, it is of essence that I amend the plaint.

4. That I need to amend the plaint to be *intandem* with my evidence in support.

5. That I need to amend the plaint to be in conformity with the one annexed hereto and marked "LKK 1"

6. That what is deponed herein is true to the best of my knowledge, information and belief.

4. Mr. Mwanzia for the plaintiff asked the court to allow the application as it will not disadvantage any of the parties.

5. I find that the application is meritorious.

6. The plaintiff is ordered to file and exchange the intended amended plaint within 7 days of today.

7. Parties are ordered to come back for directions on 15.11.2017.

8. The plaintiff is directed to serve the next date for directions upon the defendants within 5 days of today.

9. It is so ordered.

Delivered in open court at Chuka this **31st day of October, 2017** in the presence of:

CA: Ndegwa

Mwanzia for the plaintiff

P.M. NJOROGE

JUDGE