



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

ENVIRONMENT AND LAND DIVISION

CIVIL SUIT NO 129 OF 2013(O.S)

IN THE MATTER OF LIMITATION OF ACTIONS ACT CAP 22 LAW OF KENYA

AND

IN THE MATTER OF LAND REGISTRATION ACT, 2012

AND

IN THE MATTER OF LAND ACT 2012

ANDREW MURITHI M'NDEGWA1ST APPLICANT/PLAINTIFF

CECILIA KINYA M'NDEGWA.....3RD APPLICANT/PLAINTIFF

GRACE KARWIRWA M'NDEGWA.....4TH APPLICANT/PLAINTIFF

VERSUS

FRANKLINE MUTUMA NKONGE.....1ST RESPONDENT/DEFENDANT

JOSEPH NKONGE M'ARITHI.....2ND RESPONDENT/DEFENDANT

RULING

This application is dated 10/11/2015. It seeks orders:-

1. ***THAT this Honourable Court be pleased to grant to the Plaintiff's herein leave to put in a witness statement annexed hereto and call one more witness in this matter.***
2. ***THAT the cost of this application be in the cause.***

The application is supported by the Affidavit of the Plaintiff and has the following grounds:-

- a. ***THAT the Plaintiff's claim is founded on the Law of adverse possession and therefore the need to call witness (sic).***
- b. ***THAT the Court need to be fully furnished with all the evidence available to be able to make a***

well informed decision.

- c. ***THAT*** the Defendant's shall not be prejudiced as they are free to call any further evidence if they wish.
- d. ***THAT*** this Honorable Court directed the Plaintiffs to file a formal Application for leave.

On 10/2/2016 the parties proffered a Consent which they prayed the Court to adopt as its order. The Consent is in the following terms:-

“CONSENT

By Consent:

- 1. **THAT** the Notice of Motion application dated 10/11/2015 be allowed as prayed”.

The Consent is hereby adopted as an order of this Court.

It is so ordered.

Delivered in Open Court at Meru this 10th day of February, 2016 in the presence of:

CC: Daniel /Lilian

Gikunda Anampiu for the Applicants

Murithi for the Respondent.

P. M. NJOROGE

JUDGE