



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT OF KENYA

AT NAKURU

ELC NO. 76 OF 2015

**BETTY MUKUI (Suing as the administrator of the estate of
JOSEPH MAKORI JUMA) (DECEASED).....PLAINTIFF**

VERSUS

BEN MOKAYA.....1ST RESPONDENT

REGISTRAR NAKURU LAND OFFICE.....2ND DEFENDANT

RULING

(Application to amend plaint to enjoin Attorney General; application not opposed; application allowed)

1. The application before me is that dated 3 February 2016. It seeks leave to amend the plaint.
2. The plaint as originally filed is against two persons. The 1st defendant is Ben Mokaya and the 2nd defendant is The Registrar, Nakuru Lands Registry. It is the case of the plaintiff that the land parcel Njoro/Ngata Block 1/ 1382 (New Kiambu) forms part of the estate of one Joseph Makori Juma (deceased). It is claimed that the 1st defendant is interfering with it and that the 2nd defendant has failed to intervene.
3. In the proposed draft amended plaint, I can see that what the plaintiff wants is to enjoin the Attorney General to these proceedings as 3rd defendant. The proposed joinder of the Attorney General is said to be founded in Section 2 (1) of the Government Proceedings Act, CAP 40, Laws of Kenya.
4. I have no problem allowing the application which in any event is not opposed. I grant leave to the plaintiff to amend the plaint. The same be filed and served in the usual manner. The plaintiff will however shoulder the costs of the application as there was opportunity to plead the case properly in the first instance.
5. It is so ordered.

Dated, signed and delivered in open court at Nakuru this 16th day of March, 2016.

MUNYAO SILA

JUDGE

ENVIRONMENT & LAND COURT

AT NAKURU

In presence of: -

Ms Chege for plaintiffs

N/A on part of M/s Elizabeth Wangari for 1st defendant

N/A on part of 2nd defendant

Court Assistant: Janet

MUNYAO SILA

JUDGE

ENVIRONMENT & LAND COURT

AT NAKURU