

REPUBLIC OF KENYA

IN THE ENVIRONMENT & LAND COURT AT KERICHO

CIVIL SUIT NO. 40 OF 2012

SARAH CHEPNGENO MUNAI.....PLAINTIFF

VERSUS

ESTHER CHEPKOECH SONOIYA.....DEFENDANT

RULING

(Application to amend plaint; application not opposed; application allowed)

The application before me is that dated 26th May, 2015 filed by the plaintiff. The application is brought pursuant to the provisions of **Order 8 Rule 3**, and **Order 1 Rules 3, 6, and 10 (4)** of the **Civil Procedure Rules**, and **Section 3A** of the **Civil Procedure Act, CAP 21**. The plaintiff is seeking leave to amend the plaint. The reasons given for the application is that there are substantial omissions in the original plaint and that there is new and relevant information discovered after the filing of the plaint.

I have looked at the original plaint filed on 21st May 2012. The same was drawn by the plaintiff who was then acting in person. The case of the plaintiff, in a nutshell, is that she is entitled to 2 acres out of the **land parcel Kericho/Litein/1531**.

I have looked at the application and the draft amended plaint. I can see that what the plaintiff proposes to do is to add two new parties. The plaint also elaborates that the original defendant is the registered proprietor of the **land parcel Kericho/Litein/1531** of which portions of 1.193 hectares and 0.202 hectares have been sold to the two new proposed defendants. The plaintiff still wants 2 acres of the said land.

The application has not been resisted by the defendant.

On my part I do not see why I should refuse the application. I think it is only fair that I allow the plaintiff to plead her case as she so wishes. I do not see what prejudice the original defendant stands to suffer. The new defendants will of course have their day in court.

I, therefore, allow the application. I direct the plaintiff to file the Amended Plaint within the next 14 days and serve it upon all parties in the usual manner. The plaintiff will however shoulder the costs of the application.

It is so ordered.

Dated, Signed and delivered on this 22nd day of July, 2015

MUNYAO SILA

JUDGE

ENVIRONMENT AND LAND COURT

PRESENT

Ms Chepkurui Koech Advocate for Plaintiff/applicant

Mr. J.K Kirui Advocate for the Defendant/Respondent

Court Assistant; Kenei