



REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MERU
ENVIRONMENT AND LAND CASE NO 161 OF 2004

THANANTU INVESTMENTS LTD.....PLAINTIFF/APPLICANT

VERSUS

APHAXAD KIRIMI MUTWIRI.....1ST DEFENDANT/RESPONDENT

MBOROKI LITHARA.....2ND DEFENDANT/RESPONDENT

MWONTHEA M'ANAMPIU.....3RD DEFENDANT/RESPONDENT

JEREMIAH KIRAMANA.....4TH DEFENDANT/RESPONDENT

JAPHET MUTHINJA M'TUERANDU.....5TH DEFENDANT/RESPONDENT

ADELINE KAIMURI KIBUTO.....6TH DEFENDANT/RESPONDENT

R U L I N G

This application is dated 17/09/2015. It is predicated upon Sections 1A, 1B and 3A of the Civil Procedure Act, Order 8 Rule 3 and Order 51 Rule 1 of the Civil Procedure Rules 2010. The application seeks orders:-

1. ***THAT*** this application be certified as urgent.
2. ***THAT*** this Honourable Court be pleased to grant the Plaintiff/applicant leave to amend his *Plaint* in terms of the annexed draft amended *Plaint*.
3. ***THAT*** the costs of this application be provided for:-

The application is supported by the affidavit of COSMAS MUGAMBI ROMANO and has the following grounds:-

- a. ***The amendment is necessary for the determination of the question as to the occupation of Land Parcel No. 1827 ANTUAMBURI ADJUDICATION SECTION by the defendants/ Respondents and the intended 7th defendant.***
- b. ***The application is brought in good faith and in the spirit of fair determination of this suit.***
- c. ***At the time of filing the suit, WILSON MIRITI THAARA the intended 7th defendant had not taken a portion out of the Suitland.***
- d. ***The amendment will enable expeditious resolution of this suit as the occupation of the suit land by the intended 7th defendant and the other defendants is the subject matter of the suit.***

I find that the application has been properly served upon all parties. I also find that the inclusion of WILSON MIRITI THAARA as the 7th Defendant will not be prejudicial to any of the parties. In the circumstances, the application is allowed.

Costs shall be in the cause.

Delivered in open Court at Meru this 9th day of November, 2015 in the presence of:-

CC: Lilian /Daniel

Rimita for the a Applicant/Plaintiff

P. M. NJOROGE

JUDGE