



**Majani Estate Limited v Nkonge & 8 others (Environment & Land  
Case 8 of 2020) [2025] KEELC 3008 (KLR) (25 March 2025) (Ruling)**

Neutral citation: [2025] KEELC 3008 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT CHUKA  
ENVIRONMENT & LAND CASE 8 OF 2020**

**BM EBOSO, J  
MARCH 25, 2025**

**BETWEEN**

**MAJANI ESTATE LIMITED ..... PLAINTIFF**

**AND**

**MUTHONI NKONGE ..... 1<sup>ST</sup> DEFENDANT**

**MURIUKI NDUBI ..... 2<sup>ND</sup> DEFENDANT**

**SAULU NDIGA ..... 3<sup>RD</sup> DEFENDANT**

**KARIBA KANAMPIU ..... 4<sup>TH</sup> DEFENDANT**

**MWIRIGI MIRITI ..... 5<sup>TH</sup> DEFENDANT**

**MUGENDI KAINYATI ..... 6<sup>TH</sup> DEFENDANT**

**PAUL KINYUA RIUNGU ..... 7<sup>TH</sup> DEFENDANT**

**MWITI RIUNGU ..... 8<sup>TH</sup> DEFENDANT**

**BENEDICTINE NJIRU RIUNGU ..... 9<sup>TH</sup> DEFENDANT**

**RULING**

1. Falling for determination in this ruling is the application dated 13/12/2024 brought by the 5th, 6th and 8th defendants. Through it, the three (3) defendants seek the following verbatim reliefs:
  1. That the matter be certified urgent and service be dispensed with in the first instance.
  2. That an order do issue adopting the consent of change of advocates dated 20th November, 2024.



3. That the judgment entered on 29th November, 2021, the decree and all other subsequent orders thereto to be stayed pending the hearing and determination of the application inter-parties.
  4. That there be a stay of execution of the judgment delivered on the 29th November, 2021, the decree and all other subsequent orders against the 5th, 6th & 8th defendants/applicants pending the hearing and determination of the application inter-parties.
  5. That there be a stay of execution of the judgment delivered on the 29th November 2021, the decree and all other subsequent orders against the 5th, 6th & 8th defendants/applicants pending the hearing and determination of the application.
  6. That the costs of the application be in the cause.
2. From a plain reading of the above reliefs, it is clear that there are two limbs of the reliefs. The first limb is a plea for an order adopting a consent relating to a post-judgment change of advocates. No proper ground has been put forth to warrant a rejection of the consent that has been presented to the court allowing the three defendants to effect a post-judgment change of advocates. Consequently, prayer 2 of the notice of motion dated 13/12/2024 will be granted as prayed.
  3. The second limb of the application comprises of prayers 3, 4 and 5. They all relate to orders of stay of execution of the judgment and decree and all subsequent orders issued in this cause, pending the hearing and determination of the application. The application has been heard and now falls for determination in this ruling. The tenor and import of the above three reliefs is that, they are all spent at this point of rendering a ruling on the application. Put differently, there is no relief that is sought in the application post the hearing and determination of the application.
  4. Given the above circumstances, prayers 1, 3, 4 and 5 are all spent. The Court will say no more. The applicants will bear costs of the application.
  5. In the end, the application dated 13/12/2024 is disposed in the following terms.
    - a. Prayer 2 relating to adoption of the consent relating to post-judgment change of advocates is granted as prayed.
    - b. Prayers 1,3,4 and 5 are marked “spent”.
    - c. The applicants shall bear costs of the application.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT CHUKA THIS 25<sup>TH</sup> DAY OF MARCH, 2025.**

**B M EBOSO [MR]**

**JUDGE**

In the presence of:

Mrs. Mutegi for the Plaintiff

Mr. Karanja for the 5th, 6th and 8th Defendants

Court Assistant – Moses

