



Mburu & 7 others v Zucchini Holdings Limited & 2 others; Equity Bank Limited (Interested Party) (Environment & Land Case 91 of 2019) [2023] KEELC 17046 (KLR) (20 April 2023) (Ruling)

Neutral citation: [2023] KEELC 17046 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE 91 OF 2019**

**LN MBUGUA, J
APRIL 20, 2023**

BETWEEN

**FRANCIS NGUGI MBURU 1ST PLAINTIFF
 NYAMEYA IRIES ABUYA 2ND PLAINTIFF
 JULIAMWANIKI WAITITI 3RD PLAINTIFF
 DOMINIC MUINDI MUYA 4TH PLAINTIFF
 ESTHER WANGUI KAMAU 5TH PLAINTIFF
 TERESIAH WANGUI KAMAU 6TH PLAINTIFF
 SILAS ONDICHO MANU 7TH PLAINTIFF
 GEOFFREY MWAURA KAIGAI 8TH PLAINTIFF**

AND

**ZUCCHINI HOLDINGS LIMITED 1ST DEFENDANT
 MINTO TREVELS LIMITED 2ND DEFENDANT
 NERIFA HOLDINGS LIMITED 3RD DEFENDANT**

AND

EQUITY BANK LIMITED INTERESTED PARTY

RULING

1. I have perused the record. I find that on 6.10.2022, the Court gave specific directions on how the suit was to be prosecuted. On 17.4.2023, Mr Munge for 3rd Defendant made an oral application averring



that there are many suits pending touching on same subject matter and the court should give directions that only one suit should proceed.

2. In his arguments, Mr Munge made references to their replying affidavit dated 11.4.2023. That document has been challenged by Plaintiff's advocates (Mr Amaiyo) on the basis that the suit is undefended.
3. In order to have a clear picture of the nature of litigation history and also to gauge the nature and extent of compliance with the directions given on 6.10.2022, I deem it fit to give the following orders;
 1. The Defendant is directed to file a formal application detailing the issues raised on 17.4.2013 within 14 days (by 4.5.2023)
 2. The Plaintiffs are directed to avail hard copies of both the amended originating summons as well as the Affidavit of Service of the said pleadings by 4.5.2023.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 20TH DAY OF APRIL, 2023 THROUGH MICROSOFT TEAMS.

LUCY N. MBUGUA

JUDGE

In the presence of:-

Opole holding brief for Munge for 3rd Defendant

2nd Plaintiff

Court assistant Joan

