



**Mburu & 7 others v Zucchini Holdings Limited; Minto Travels Limited & another
(Proposed Defendant); Equity Bank (Intended Interested Party) (Environment &
Land Case 91 of 2010) [2023] KEELC 20435 (KLR) (28 September 2023) (Ruling)**

Neutral citation: [2023] KEELC 20435 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE 91 OF 2010
LN MBUGUA, J
SEPTEMBER 28, 2023**

BETWEEN

**FRANCIS NGUGI MBURU 1ST PLAINTIFF
NYAMWEYA IRIES ABUYA 2ND PLAINTIFF
JULIA MWANIKI WAITITU 3RD PLAINTIFF
DOMINIC MUINDI MUYA 4TH PLAINTIFF
ESTHER WANGUI KAMAU 5TH PLAINTIFF
TERESIA WANGUI KAMAU 6TH PLAINTIFF
SILAS ONDICHO MANU 7TH PLAINTIFF
GEOFFREY MWAURA KAIGAI 8TH PLAINTIFF**

AND

ZUCCHINI HOLDINGS LIMITED DEFENDANT

AND

MINTO TRAVELS LIMITED PROPOSED DEFENDANT

NERIFA HOLDINGS LIMITED PROPOSED DEFENDANT

AND

EQUITY BANK INTENDED INTERESTED PARTY



RULING

1. This matter was scheduled for pretrial directions on September 26, 2023. The plaintiffs (1-6th) and the 3rd defendant don't seem to agree on what has been filed. On this issue the court will be guided by its own orders of June 20, 2023 which were self executing. Thus only documents filed in compliance with the directions of that day of June 20, 2022 shall be considered.
2. On the issue of service upon 1st and 2nd defendants, the court confirms that indeed service by substituted service was effected as per the affidavit of service dated September 25, 2023.
3. The plaintiffs (1-6th) have sought an order restraining any dealings on parcel 209/9832. However, this case is over 13 years old, and the court is not seized of the nature and extent of the registration as well as the ground status of the suit properties. Parties should focus on the prosecution of the main suit and not on interlocutory matters which derail the trial.
4. The court thus declines to grant any restraining orders. Instead the court gives directions for parties to take both a hearing date as well as a mention date in open court to confirm the extent of compliance with court's directions of June 20, 2023.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 28TH DAY OF SEPTEMBER, 2023
THROUGH MICROSOFT TEAMS.**

LUCY N. MBUGUA

JUDGE

In the presence of:-

Amaiyo for plaintiff (6 of them)

Opole for 3rd Defendant

Court Assistant: Eddel

