



Kilonzo v Kiige; Embakasi Ranching Co. Ltd (Interested Party) (Environment & Land Case E285 of 2022) [2023] KEELC 20048 (KLR) (21 September 2023) (Ruling)

Neutral citation: [2023] KEELC 20048 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE E285 OF 2022
LN MBUGUA, J
SEPTEMBER 21, 2023**

BETWEEN

DOMITILA MUMBUA KILONZO PLAINTIFF

AND

JOHN KAMAU KIIGE DEFENDANT

AND

EMBAKASI RANCHING CO. LTD INTERESTED PARTY

RULING

1. Before me is a notice of motion application dated 15.5.2023 in which the defendnat prays that EmbakasI Ranching Co. Ltd be joined in these proceedings as an Interested Party. He avers that the proposed Interested Party is the original owner of parcel Nairobi /Block 105/7986 and is the entity which is better placed to assist this court determine as to whether plot No. F-275B claimed by the defendant is the same plot as P2255 B claimed by the plaintiff.
2. The defendant avers that as per the pleadings, both the plaintiff and defendant claim to have purchased their plots form Embakasi Ranching.
3. The plaintiff has opposed the suit via a replying affidavit dated 25.5.2023. She avers that Embakasi Ranching Co are the ones who transferred the suit property to her of which she was issued with a title. Thus Embakasi Ranching Co. are functus official in the matter.
4. I have considered all the arguments raised herein including the rival submissions. The provision of Order 1 Rule 10 of the *Civil Procedure Rules* permits joinder of parties whose presence is necessary for adjudication of the suit. See *Moses Wachira v. Niels Bruel & 2 Others* [2015] eKLR, *Trusted Society of Human Rights Alliance v. Mumo Matemo & 5 others* [2014] eKLR.



5. The Embakasi Ranching Co. certainly has no stake in the suit property. However, the protagonists trace their rights and interests in the suit property from the proposed Interested Party. In the circumstances, I find that the said proposed interested party is a necessary party to assist the court in unravelling the dispute at hand.
6. The application dated 15.5.2023 is hence allowed but cost there of shall abide the outcome of the suit. The parties are directed to amend their pleadings accordingly to include the new party.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 21st DAY OF SEPTEMBER, 2023
THROUGH MICROSOFT TEAMS.**

LUCY N. MBUGUA

JUDGE

