



**Gachanja & another v Kariuki & another (Environment & Land Case
156 of 2008) [2023] KEELC 20032 (KLR) (21 September 2023) (Ruling)**

Neutral citation: [2023] KEELC 20032 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE 156 OF 2008
LN MBUGUA, J
SEPTEMBER 21, 2023**

BETWEEN

ROSE WOTHAYA GACHANJA 1ST PLAINTIFF

CHRISTOPHER KABAU KIAI 2ND PLAINTIFF

AND

FRANCI MURIGI KARIUKI 1ST DEFENDANT

MARION WANJA KIMANI 2ND DEFENDANT

RULING

1. This matter was scheduled for hearing today. It has emerged that the plaintiff has filed an application dated 30.6.2023 seeking injunctive orders against the defendant and that the plaintiffs be allowed to amend the plaint. The prayer for amendment is not opposed while the prayers for injunction as set out in prayers No 2-4 in the application are opposed.
2. I have considered all the arguments raised herein as captured in the application dated 30.6.2023 and the replying affidavit dated 8.9.2023.
3. What I discern is that the plaintiff is advancing evidence in his current application. Further, this matter was in court on 28.2.2022 when counsel for plaintiff urged the court to look at the age of the matter. However they did not make court appearances in subsequent court dates. Their application was only lodged in June 2023.
4. This case is aged 15 or so years. The parties should be seeking ways to expedite the trial instead of canvassing interlocutory prayers.
5. In the circumstances, the application dated 30.6.2023 is partially allowed in terms of prayer No. 5. The case is adjourned to enable the parties to amend their pleadings.



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

LUCY N. MBUGUA

JUDGE

In the presence of:-

Monyuga holding brief for Kimamo for 1st and 2nd Plaintiff

Gitari for Defendants

