



Sheobo v Hardware & Suppliers Limited & another; Kenya National Highways Authority & 2 others (Interested Parties) (Environment & Land Case E192 of 2022) [2023] KEELC 20026 (KLR) (21 September 2023) (Ruling)

Neutral citation: [2023] KEELC 20026 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE E192 OF 2022
LN MBUGUA, J
SEPTEMBER 21, 2023**

BETWEEN

BADI ALI SHEOBO PLAINTIFF

AND

**HARSHIV AUTOSPARES HARDWARE & SUPPLIERS LIMITED 1ST
DEFENDANT**

COUNTY GOVERNMENT OF NAIROBI 2ND DEFENDANT

AND

KENYA NATIONAL HIGHWAYS AUTHORITY INTERESTED PARTY

CHIEF REGISTRAR MINISTRY OF LANDS INTERESTED PARTY

NATIONAL LAND COMMISISON INTERESTED PARTY

RULING

1. Before me is a Notice of Motion Application dated March 31, 2023 brought forth by the 1st Interested Party (Kenya National Highways, Authority) who are seeking orders to be joined in these proceedings as the 3rd defendants to enable them file a defence and a counterclaim, upon the amendment of the plaint. The application is premised on grounds on the face of the application and on the Supporting Affidavit of one Micah Muendo, its Assistant Director, Mapping and Survey. They contend that there is a transport corridor abutting the suit property; that there were no private properties and or developments on the location in question and no permissions were ever given by the government for any developments on the road reserve.
2. The 1st Interested Party avers that they can only effectively participate in the proceedings if they are defendant in the suit.



3. A Replying Affidavit dated May 16, 2023 has been sworn by one Harji Kerai who introduces himself as a director of the 1st Respondent. They are in support of the application dated March 31, 2023. No other documents have been filed for or against the application.
4. I find that in the ruling of December 8, 2022, the court allowed the application of the 1st defendant to join the current applicant in these proceedings as an Interested Party. The applicant now desires to file substantive pleadings to enable them shed light on the nature of rights and interests relating to the suit property.
5. Pursuant to the provisions of Order 1 rule 10 of the Civil Procedure Rules, I find that the application dated March 31, 2023 is merited. The same is hereby allowed with no orders as to costs. The plaintiff is to amend his pleadings accordingly within a period of 14 days of which the defendants and Interested Parties are to file and serve their defences/statement of claims within 28 days from the date of delivery of this ruling.

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

LUCY N. MBUGUA

JUDGE

