



**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT AND LAND COURT**

**AT NAIROBI**

**MILIMANI LAW COURTS**

**ELC. CASE NO. 88 OF 2013**

**KIMANI MWANGI.....1<sup>ST</sup> PLAINTIFF**

**LABAN TOLE MWAIENGO.....2<sup>ND</sup> PLAINTIFF**

**VERSUS**

**BERNARD KUNGU MAINA (Chairman).....1<sup>ST</sup> DEFENDANT**

**PERMINUS NJOROGE (Secretary).....2<sup>ND</sup> DEFENDANT**

**(for and behalf of KAMUTHI FARMERS CO-OPERATIVE SOCIETY)**

**RULING**

The application before me is Notice of Motion dated 21<sup>st</sup> January 2015 seeking for the consolidation of this suit with ELC. NO. 431 of 2008 or in the alternative that this suit be stayed pending the hearing and determination of ELC. 431 of 2008.

Upon perusal of the court file for ELC. 431 of 2008, I have discovered that the Defendants filed the exact same application Notice of Motion dated 21<sup>st</sup> January 2015 in ELC. No. 431 of 2008. The Plaintiff in ELC. No. 431 of 2008 indicated to the court on 27<sup>th</sup> May 2013 that they do not oppose that application and the court proceeded to allow that application on the same date.

Accordingly, the application before the court in this instant suit was already allowed on 27<sup>th</sup> May 2013. The two cases are consolidated and the court is at liberty to give directions on pre-trial. For the avoidance of doubt, the lead file shall be ELC. 431 OF 2008.

**DELIVERED, DATED AND SIGNED AT NAIROBI THIS 22<sup>ND</sup> DAY OF SEPTEMBER 2017.**

**MARY M. GITUMBI**

**JUDGE**