



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT EMBU
E.L.C. 151 OF 2014
FORMERLY KERUGOYA E.L.C 647 OF 2013

SIMEON NJERU DIFATHA.....PLAINTIFF

VERSUS

FLORENCE WANJA MWANIKI.....1ST DEFENDANT

VIRGINIA RAMWA NJOKA.....2ND DEFENDANT

JOYCE WAMBIRO NJAGI..... 3RD DEFENDANT

AND

ELIAS MUGENDI NJERU.....1ST APPLICANT

CATHERINE MARIGU MWANIKI.....2ND APPLICANT

RULING

1. In her notice of motion dated 5th November, 2013, the 1st plaintiff/applicant on behalf of the two others has applied for consolidation of the following suits:

1. E.L.C civil case number 74 of 2014

2. Civil case number 151 of 2014.

2. In support of her application, she has annexed a supporting affidavit in which she has stated that the two cases are in respect of the same land parcel number Kagaari/Kanja/397. She has also stated that the consolidation should be allowed to enable the court to determine all the issues in dispute efficiently.

3. The respondents have opposed the application for consolidation. They have relied on their joint replying affidavit dated 11th December, 2013. In their replying affidavit, the respondents have set out the history in respect of the two cases pending in this court, which previously were filed in the High Court at Kerugoya.

4. It is clear that the cases relate to the same suit land. It is also clear that the cases relates to the same parties in which the parties alternate as plaintiffs or defendants. In view of the foregoing, I find that the cases relate to the same subject matter and the same parties.

5. In the circumstances, this is a proper case for the consolidation of the two in the interests of efficient expedition of the two cases.

6. I therefore order that the cases be consolidated.

7. Costs of the application will be costs in cause.

RULING DATED, SIGNED and DELIVERED in open court at **EMBU** this 23rdday of.....**APRIL**.....**2015**.

In the presence of Ms Laurenzia and Mr Kathungu for the defendants

Court clerk Mr Muriithi

J.M. BWONWONGA

JUDGE