



Chebii & 3 others v SBI International Holdings (AG) K & another (Environment & Land Case 19 of 2019) [2025] KEELC 3030 (KLR) (3 April 2025) (Ruling)

Neutral citation: [2025] KEELC 3030 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NYAHURURU
ENVIRONMENT & LAND CASE 19 OF 2019**

LN MBUGUA, J

APRIL 3, 2025

BETWEEN

**ESTHER CHEPTANUI CHEBII 1ST PLAINTIFF
STEPHEN KIPROP CHEBII 2ND PLAINTIFF
HKC (SUING ON HIS BEHALF AND AS THE NEXT FRIEND OF BC -
MINOR) 3RD PLAINTIFF
JULIUS KIBET CHEBII 4TH PLAINTIFF**

AND

**SBI INTERNATIONAL HOLDINGS (AG) K 1ST DEFENDANT
NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY 2ND
DEFENDANT**

RULING

1. Before me is a notice of motion application dated 18.11.2024 in which the plaintiffs are seeking orders for review of the judgment dated 11.4.2024 so as to award the child named as BC the sum of Ksh 300 000 just like the other claimants. The application is premised on grounds on the face of the application and the supporting affidavit of the 3rd plaintiff, Henry Kosgei. He contends that the said judgment left out the child, yet she had sued through him.
2. The respondents were served but they did not file any responses
3. A perusal of the plaint reveals that the 3rd plaintiff was suing “on his own behalf and as the next friend of the minor.”



4. In the Court of Appeal case of; *National Bank of Kenya Ltd v Ndungu Njau* Nairobi CA No. 211 of 1996 it was held that;

“A review may be granted whenever the courts consider that it is necessary to correct an apparent error or omission on the part of the court. The error or omission must be self-evidence and should not require a deliberate argument to be established...”

5. It is clear that the minor child had also sued the defendants, but she could only do so through a next friend. To this end, I find that she also deserves the award. Thus the application dated 18.11.2024 is allowed with no orders as to costs.

DATED, SIGNED AND DELIVERED AT NYAHURURU THIS 3RD DAY OF APRIL 2025 THROUGH MICROSOFT TEAMS.

LUCY N. MBUGUA

JUDGE

In the presence of:-

Ojare H/B for Ndegwa Wahome for the Applicant.

Murimi Ndumia for Respondent-Absent.

