



REPUBLIC OF KENYA



Nyawir v Victoria Distributors Ltd & another (Environment & Land Case E16 of 2020) [2022] KEELC 3281 (KLR) (22 July 2022) (Ruling)

Neutral citation: [2022] KEELC 3281 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KISUMU
ENVIRONMENT & LAND CASE E16 OF 2020**

**A OMBWAYO, J
JULY 22, 2022**

BETWEEN

JOSEPH ABWAO NYAWIR APPLICANT

AND

VICTORIA DISTRIBUTORS LTD 1ST RESPONDENT

NATIONAL LAND COMMISSION 2ND RESPONDENT

RULING

1. The applicant, Joseph Abwao Nyawir seeks orders that Kisumu Environment and Land Court Case No. 222 of 2015 be consolidated with Kisumu Environment and Court Case No. E16 of 2020 for hearing and final determination. The application is based on grounds that the Respondent lodged against the applicant case number Kisumu ELC 222 of 2015 in respect of Land Reference Number 27068. The applicant equally lodged in court Kisumu Environment and Land Court Case number E16 of 2020. The two matters revolve on the same property. I have considered the application and do find that the suit property is the same but the different causes of action. It is prudent to consolidate the two matters. It is hereby ordered that the two matters be consolidated and that proceedings to be undertaken in Kisumu Environment and Land Court case number 222 of 2015. The proceedings in ELC E016 of 2020 thus the Originating Summons be treated as counter claim whereas the replying affidavit be treated as defence to counter claim. Mention on 22/9/22.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 22nd DAY OF JULY 2022

ANTONY OMBWAYO

JUDGE

This Ruling has been delivered to the parties by electronic mail due to measures restricting court operations due to the COVID-19 pandemic and in the light of the directions issued by his Lordship, the Chief Justice on 15th March 2020.

