



Rutere & 34 others v Muthithi Investment Limited & 3 others; Inspector General of Police & 3 others (Interested Party) (Petition 21 of 2019) [2022] KEELC 2442 (KLR) (14 July 2022) (Ruling)

Neutral citation: [2022] KEELC 2442 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
PETITION 21 OF 2019
LC KOMINGOI, J
JULY 14, 2022**

BETWEEN

LUCY OGOKI RUTERE & 34 OTHERS PETITIONER

AND

MUTHITHI INVESTMENT LIMITED 1ST RESPONDENT

FUELEX LIMITED 2ND RESPONDENT

RIVERBANK LIMITED 3RD RESPONDENT

KANDIMUGWA LIMITED 4TH RESPONDENT

AND

INSPECTOR GENERAL OF POLICE INTERESTED PARTY

ATTORNEY GENERAL INTERESTED PARTY

ETHIC AND ANTI-CORRUPTION COMMISSION INTERESTED PARTY

NAIROBI CITY COUNTY INTERESTED PARTY

RULING

1. This is the Notice of Motion dated 23rd March 2022 brought under sections 1A, 1B and 3A of the [Civil Procedure Act](#), Cap 21 Laws of Kenya, and Order 51 rule 1 of the [Civil Procedure Rules](#) 2010 and all other enabling provisions of the law.
2. It seeks orders:-
 1. Spent.
 2. Spent.



3. That the Notice of Withdrawal of Proceedings dated February 14, 2022, lodged in these proceedings by M/S Wambugu & Muriuki Advocates and the order adopted and made there on dated February 15, 2021 purportedly on behalf of the Plaintiff herein be set aside, vacated, and held to be null and void together with all consequential orders thereon secured by M/S Wambugu & Muriuki Advocates.
4. This honourable court be pleased to proceed with the fair trial and determination of the 4th Interested Party's cross-petition and notice of motion dated October 27, 2021 and November 5, 2021 as originally scheduled.
5. Such expedient directions do issue on the further prosecution of the matter herein.
6. Costs abide the outcome of the suit herein.

3. The grounds are on the face of the application and are set out in paragraphs 1 to 19 of the Notice of Motion.
4. The application is supported by the affidavit of Lydia Kwamboka, 4th Interested Party's County Attorney, sworn on the March 23, 2022.
5. The notice of motion is not opposed. When the matter came up on the June 9, 2022 to confirm filing of submission's Ms Fatma for the 1st and 2nd Interested Parties informed the court that they did not wish to oppose the notice of motion. Mr. Obuya for the 1st Respondent also informed the court that the 1st Respondent did not wish to participate in the notice of motion.
6. I have gone through the supporting affidavit of Lydia Kwamboka, County Attorney for the Plaintiff in particular paragraphs 6, 13, 15, and 16.
7. The said averments have not been controverted as the application is not opposed.
8. I find merit in the notice of motion dated March 23, 2022 and I grant orders in terms of prayers 3 and 4 of the Notice of Motion .

It is so ordered.

DATED, SIGNED AND DELIVERED NAIROBI THIS 14TH DAY OF JULY 2022.

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L. KOMINGOI

JUDGE

In the presence of:-

Mr. Marube for Mr. Mogaka advocate for the Petitioner

Mr. Obuya for Mr. Ochieng Oduol advocate for the 1st Respondent

Ms Fatma advocate for the 1st and 2nd Interested Parties

No appearance for the 2nd, 3rd and 4th Respondents

No appearance for the 3rd Interested Party

Mr. H. Kinyanjui advocate for the 4th Interested Party.



Steve - Court Assistant

