



**Ngugi v Land Registrar Nyandarua & 3 others (Environment & Land  
Miscellaneous Case 9 of 2023) [2025] KEELC 3351 (KLR) (3 April 2025) (Ruling)**

Neutral citation: [2025] KEELC 3351 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NYANDARUA  
ENVIRONMENT & LAND MISCELLANEOUS CASE 9 OF 2023**

**JM KAMAU, J**

**APRIL 3, 2025**

**BETWEEN**

**ELIZABETH WANGARI NGUGI ..... APPLICANT**

**AND**

**LAND REGISTRAR NYANDARUA ..... 1<sup>ST</sup> RESPONDENT**

**PETER NGUGI KAINAMIA ..... 2<sup>ND</sup> RESPONDENT**

**JOHN MURAYA KAINAMIA ..... 3<sup>RD</sup> RESPONDENT**

**MICHAEL NGOTHO GITAHU ..... 4<sup>TH</sup> RESPONDENT**

**RULING**

1. In the application dated 5<sup>th</sup> November 2024, the Applicant Elizabeth W. Ngugi prays for orders that this court be pleased to review its judgment dated 25<sup>th</sup> April 2024 and make such orders as it deems fit and just.
2. The ..... which, the said application is made are that the court delivered its judgement on 25<sup>th</sup> April 2024 on the Notice of Motion dated 4<sup>th</sup> July 2022 which motion was for an order of mandamus directing Nyahururu Land Registrar and the holders of Ol Kalou suit title No. 173/174 to return them to Munyao Kakunia and to expunge any other claimants name of Ol Kalou 90 and enter judgement. The applicant says that she has not obtained documents that were not in her possession “previously”. She has engaged a forensic examiner to assess the authenticity of the documents and the said examiner has reviewed the documents and written 3 reports dated 14<sup>th</sup> October 2024, 28<sup>th</sup> September 2024 and 5<sup>th</sup> November 2024 respectively and that in Nakuru Succession Cause No. 330 of 2009 in the Estate of Stephen Munyao Kakunia the court gave orders on 7<sup>th</sup> March 2024 for production of certified copies of records in regard to the ownership of L.R No. NYA/OL KALOU SOUTH/174 which evidence was not available by the time of the judgement and that this new evidence is very important for the case.



3. In their grounds of opposition dated 13<sup>th</sup> February 2025 and a Replying Affidavit sworn on the ..... the Respondents confirmed that the application does not meet the mandatory threshold and that the documents were with her knowledge even at the time of filing this suit.
4. The court find that the Applicant has got it all the way. The law relating to Review is to the effect that:
5. The wores “after applying due diligence” are very crucial in meeting the threshold for Review. The Applicant has said that the documents in their possession were not with her ready. They were not in her possession. Not that they could not have been obtained after application of due diligence. And this makes her fail I her attempt to persuade the court to review its judgement. Review of judgement is a very serious exercise which must be undertaken with a lot of care, otherwise there would never be an end to litigation if the same were to be allowed in a casual and unpremeditated manner.
6. One has to collect all his evidence and documents before moving the court. Filing a suit in court must be carefully done. One has to apply enough tact to gather all the evidence since the case as filed would 75% determine its ..... of the case. That is why parties are allowed to key availing their pleadings even a few minutes before the hearing of the case. This would help and aid parties who discover new evidence and material on the way. The Applicant does not even tell the court when the new evidence was discovered and I cannot tell why it was not practical to get the said evidence in good time. She had until the date of the hearing of the case to seek the document examiner’s expertise in order to get the said report and use it in the case. The court would have allowed the same. But now it is too late for her to introduce the “New” evidence which in the court’s view is not new evidence but a way of trying to see whether the court would be otherwise persuaded.
7. Consequently, the application dated November 5, 2024 is hereby disallowed with costs.

**RULING DATED, SIGNED AND DELIVERED AT NYANDARUA THIS 3<sup>RD</sup> DAY OF APRIL, 2025**

.....  
**HON. JUSTICE MUGO KAMAU**

**JUDGE**

In presence of;

Court assistant Eric

In person online .....for the appellant

Mr Chengo and Mr Kamau.....for the respondent

