



**Mwangi v Sigilai & 3 others (Environment & Land Case 286 of 2018)
[2022] KEELC 13358 (KLR) (6 October 2022) (Ruling)**

Neutral citation: [2022] KEELC 13358 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAKURU
ENVIRONMENT & LAND CASE 286 OF 2018
FM NJOROGE, J
OCTOBER 6, 2022**

BETWEEN

FRANCIS NDIRANGU MWANGI PLAINTIFF

AND

WILLIAM KIPLAGAT SIGILAI 1ST DEFENDANT

SAMWEL SANG 2ND DEFENDANT

KEVIN SANG 3RD DEFENDANT

REBECCA TANUI TITANY 4TH DEFENDANT

RULING

1. On June 13, 2022, this court adjourned the hearing of the suit for the reason that the plaintiff averred that ELC 90 of 2021 and the present suit touch on the same subject matter and ought to be mentioned together for purposes of consolidation. Consequently, on June 22, 2022 I directed that the matter be mentioned on September 22, 2022 for directions on consolidation. On September 22, 2022, the plaintiff indicated that the two files should be consolidated since the plaintiff in ELC 90 of 2021 is the 4th defendant in the present suit and that the plaint in ELC 90 of 2021 can be a counter-claim in ELC 286 of 2018. The 3rd and 4th defendants were not opposed to the said consolidation while the 1st and 2nd defendant were not present.
2. A perusal of the two plaints show that the claim by both plaintiffs is in respect of the land parcel No. Nakuru/Municipality/Block 29/30 which was subdivided into various portions. The parties in both suits are the same save that there are additional parties in ELC 90 of 2018. A perusal at the reliefs sought in both plaints confirms that both Plaintiffs seek a permanent injunction and the dispute appears to have arisen from similar transactions. I therefore find that the two suits have common questions of law and facts. Furthermore, none of the parties will be prejudiced in any manner as each will be given



an opportunity to testify and call witnesses. Upon consolidation, all parties will choose on how to proceed, and directions will be given by the court.

3. In conclusion, I find that these two cases are suitable for consolidation in order to save on the court's time and resources and to avoid different decisions being arrived at if different courts were to handle the case separately.
4. The upshot of the foregoing is that I therefore order that the two suits ELC 90 of 2021 and ELC 286 of 2018 be consolidated, with the lead file being ELC 286 of 2018.
5. These consolidated suits shall be mentioned by teleconference way of microsoft teams on October 27, 2022 for further directions.

DATED, SIGNED AND ISSUED AT NAKURU VIA ELECTRONIC MAIL ON THIS 6TH DAY OF OCTOBER, 2022.

MWANGI NJOROGE

JUDGE, ELC, NAKURU

