



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
Where Legal Information is Public Knowledge

**Kipkorir & another (Suing for and on behalf of G3 Self-Help Group)  
v Tanui & 5 others (Environment & Land Case E047 of 2022)  
[2022] KEELC 14984 (KLR) (25 November 2022) (Ruling)**

Neutral citation: [2022] KEELC 14984 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NAKURU  
ENVIRONMENT & LAND CASE E047 OF 2022  
FM NJOROGE, J  
NOVEMBER 25, 2022**

**BETWEEN**

**KANGOR YATICH KIPKORIR ..... 1<sup>ST</sup> PLAINTIFF  
LENGONG KIPYATOR ..... 2<sup>ND</sup> PLAINTIFF  
SUING FOR AND ON BEHALF OF G3 SELF-HELP GROUP**

**AND**

**WALTER TANUI ..... 1<sup>ST</sup> DEFENDANT  
WESLEY KIPTANUI ..... 2<sup>ND</sup> DEFENDANT  
TOM KIPTANUI ..... 3<sup>RD</sup> DEFENDANT  
KENNETH KIPTANUI ..... 4<sup>TH</sup> DEFENDANT  
KEVIN KIPTANUI ..... 5<sup>TH</sup> DEFENDANT  
EDWARD CHERUTICH KIPTANUI ..... 6<sup>TH</sup> DEFENDANT**

**RULING**

1. The applicants were not joined as parties to the present suit at inception and they applied to be joined either as interested parties or as defendants in their application to this court dated October 18, 2022 in these proceedings. Though the supporting affidavit speaks of many applicants a perusal of the annexures reveals no authority of the other two persons to enable the deponent swear the affidavit on their behalf and the issue has been raised by the plaintiffs' replying affidavit. However, in this court's view, order 1 rule 10(2) enables the court to order joinder of any party to the suit as long as in its view they are necessary parties whose presence would enable the adjudication of all the issues arising from the suit with finality. I have noted that in support of their application, it has been averred that the three



applicants are the wives of the 6<sup>th</sup> defendant and they aver that they never gave any spousal consent to any transaction involving the suit land.

2. Upon perusing the application and the responses as well as the submissions of the parties, I find that it is necessary to join the applicants as defendants in this suit and I hereby order that they be joined as the 7<sup>th</sup> 8<sup>th</sup> and 9<sup>th</sup> defendants respectively in the order in which they are listed in the application for joinder. Their application is therefore successful. I order that the plaintiffs shall amend their plaint within 14 days hereof to join the three applicants as defendants and describe them as such. The costs of the application shall be in the cause. The suit shall be mentioned on December 7, 2022 for further directions as to the hearing of the motion dated August 18, 2022. Deputy Registrar to notify the parties.

**DATED, SIGNED AND DELIVERED AT NAKURU VIA ELECTRONIC MAIL ON THIS 25<sup>TH</sup> DAY OF NOVEMBER, 2022.**

**MWANGI NJOROGE**

**JUDGE, ELC, NAKURU**

