



**REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA  
AT NAIROBI (NAIROBI LAW COURTS)**

**Civil Case 1307 of 2004**

1. Land and Environmental Law Division

2. Subject of main suit:-

(i) Landlord/Tenant

(ii) City Council of Nairobi/Kenya Airports Authorities

(iii) Housing

3. Members of Embakasi Village Welfare sue for housing right to occupy their houses.

4. Defendant prays for security of costs:-

(i) Application 8 September 05 security of costs of

KShs.1 million be provided.

5. In reply:-

(i) No good cause

(ii) If security to be paid it be only for 2 employees

Plaintiff for KShs.2,000/= or KShs.14,000/=

6. Held:

6. Case law - Nil

7. Advocates:

E.G. Jaraba for Jaraba & Co. Advocates for the plaintiff

G.M. Ibrahim for Nyiha Mukuma & Co. Advocates for the defendant

**JOE NJUGUNA WAKABA .....1<sup>ST</sup> PLAINTIFF**

**FRANCIS MUCHANGI (Suing on their own and on behalf of 64 other members  
of Embakasi Village Welfare Group).....2<sup>ND</sup> PLAINTIFF**

**VERSUS**

**KENYA AIRPORTS AUTHORITY.....DEFENDANT**

**RULING**

**I Application 8<sup>th</sup> September 2005**

1. The application of 8<sup>th</sup> September 2005 seeks for security of costs from the plaintiffs of Kshs.1,000,000/=
2. The brief background of this application is that Joe Njuguna Wakaba and Francis Muchangi sued the Kenya Airports Authority for their rights to housing. They had attempted to bring a representative suit that touched on 500 to 66 houses within the Embakasi area. The application for the representative suit was accordingly rejected (Ojwang J.). The parties to the suit are therefore the two named plaintiffs.
3. The said housing scheme was originally owned by the City Council of Nairobi. The Kenya Airports Authority (the defendant herein) had taken over the houses specifically for their staff. The plaintiffs and others not before the court are resisting this and stated that they have a right to occupy the premises.
4. The defendant are of the opinion the plaintiffs may not be successful in their suit. They therefore pray that this court orders they pay security of costs of KShs.1,000,000/= to enable the defendant defend their suit bearing that their costs of doing so will be met.
5. The advocate for the plaintiffs states there are only two plaintiffs. The houses concerned are only 66 houses and this would mean KShs.14,000/= per house.

**II Findings**

6. I would agree that the plaintiffs provide security of costs to this suit. The application of 8<sup>th</sup> September 2007 is granted on terms that the amount of cost be KShs.14, 000/= per plaintiff.
7. There would be costs to the defendant/applicant herein.

Dated this 19<sup>th</sup> day of June 2007 at Nairobi

**M. A. ANG'AWA**

**JUDGE**

E.G. Jaraba for Jaraba & Co. Advocates for the plaintiff

G.M. Ibrahim for Nyiha Mukumu & Co. Advocates for the defendant