



REPUBLIC OF KENYA



**Somoni v Muangi & another (Environment & Land Case  
E083 of 2022) [2025] KEELC 470 (KLR) (6 February 2025) (Ruling)**

Neutral citation: [2025] KEELC 470 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO  
ENVIRONMENT & LAND CASE E083 OF 2022  
LC KOMINGOI, J  
FEBRUARY 6, 2025**

**BETWEEN**

**JOYCE BOSIBORI SOMONI ..... APPLICANT**

**AND**

**SAMMY MUSILI MUANGI ..... 1<sup>ST</sup> RESPONDENT**

**THE CHIEF LAND REGISTRAR ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. This is the Notice of Motion dated 22<sup>nd</sup> February 2024 brought under; Section 3A of the [Civil Procedure Act](#) and Order 11 (3) (1) (h) and (i) of the Civil Procedure Rules.
2. The grounds are on the face of the Application and are set out in paragraphs 1 to 12.
3. The Application is supported by the Affidavit of Sammy Musili Muangi, the 1<sup>st</sup> Defendant/Applicant sworn on the 22<sup>nd</sup> February 2024.
4. The Application is opposed.  
There is a Replying Affidavit sworn by the Plaintiff/Applicant, on the 10<sup>th</sup> March 2024.
5. On the 9<sup>th</sup> April 2024, the Court with the consent of parties directed that the Notice of Motion be canvassed by way of written submissions.
6. I have considered the Notice of Motion, the Affidavit in support, the response thereto, the rival submissions and the authorities cited. The issue for determination is whether this Application is merited.
7. It is not in dispute that there is a suit in Nairobi High Court (Family Division) being Civil Suit No. E051 of 2023 (OS) for the division of Matrimonial Properties between the parties herein.



8. I note that the same was filed after this suit had been filed.
9. I have also seen there were proceedings in respect of the parties being Nairobi CMCC Divorce Cause NO. E029 of 2023 confirming that the court found the parties herein were husband and wife for twenty two (22) years.
10. The suit properties in dispute herein are also subject of the suit in the High Court.
11. It is my view that the proper court to deal with the issues arising herein is the High Court (Family Division).
12. I find merit in this Application and the same is allowed on the following terms;
  - a. THAT proceedings in this suit be stayed pending the hearing and determination of Nairobi (Civil suit No.E.051 of 2023 (OS).
  - b. That costs of this Application do abide the outcome of the main suit.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT KAJIADO THIS 6<sup>TH</sup> DAY OF FEBRUARY 2025.**

**L. KOMINGOI**

**JUDGE.**

IN THE PRESENCE OF:

Mr. Omondi for Mr. Kenyatta for the Plaintiff/Respondent.

Mr. Muthama for the 1<sup>st</sup> Defendant/Applicant

N/A for the 2<sup>nd</sup> Defendant/Respondent.

Court Assistant - Mutisya

