



Oloomoni v Mbirikani Group Ranch Co-operative Society Limited & 6 others (Environment and Land Case Civil Suit E053 of 2025) [2025] KEELC 6046 (KLR) (16 September 2025) (Ruling)

Neutral citation: [2025] KEELC 6046 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO
ENVIRONMENT AND LAND CASE CIVIL SUIT E053 OF 2025
MD MWANGI, J
SEPTEMBER 16, 2025**

BETWEEN

JOSEPH NGIDA OLOOMONI PLAINTIFF

AND

**MBIRIKANI GROUP RANCH CO-OPERATIVE SOCIETY LIMITED 1ST
DEFENDANT**

KINYAKU KONEI 2ND DEFENDANT

MARIKA KITESHO 3RD DEFENDANT

DANSON MOLOIMET LEPAPA 4TH DEFENDANT

DANIEL METOE 5TH DEFENDANT

DANIEL MAPI 6TH DEFENDANT

SUYIANKA LEPARAU 7TH DEFENDANT

RULING

(In respect of the application dated 23rd June 2025 on the issue of representation of the 1st Defendant herein)

Background

1. This ruling is in respect of the application dated 23rd June 2025 seeking that the pleadings and documents filed on behalf of the 1st Defendant by the 2nd to 4th Defendants be struck out having been filed without authority. For the record, there is no dispute that the 1st Defendant, Mbirikani Group Ranch Co-operative Society Limited, is a duly registered Co-operative Society under the Co-operatives [Societies Act](#), CAP 490 of the laws of Kenya.



2. The gist of the matter is that there is a contest between two law firms, both claiming to represent the 1st Defendant. Mwangi & Ngatia Advocates allege that they have been duly instructed to act for the 1st Defendant by the 2nd, 3rd and 4th Defendants, whereas Solonka & Solonka Advocates, on the other hand allege that they have been instructed by the 5th, 6th and 7th Defendants. Both law firms have filed their respective documents on behalf of the 1st Defendant.

Directions by the Court.

3. On 30th July 2025, this court gave explicit directions on the handling of the application dated 23rd June 2025. The law firm of Mwangi & Ngatia Advocates was granted 7 days to respond to the application. Parties were to file their submissions thereafter.
4. For the record, the law firm of Mwangi & Ngatia Advocates did not comply with the directions; they did not file their response within the 7 days as directed by the court. The court will therefore proceed to make its ruling on the application by Solonka & Solonka Advocates dated 23rd June 2025 as an unopposed application. Court orders are not made in vain.

Issues for determination

5. The sole issue for determination is whether the 2nd, 3rd and 4th Defendants have the authority to instruct an advocate to act for the 1st Defendant.

Analysis for determination.

6. It has been brought to the attention of this court that the issue whether the 2nd, 3rd and 4th Defendants have the authority to instruct an advocate to act for the 1st Defendant had already been canvassed before the Magistrate's Court in Kajiado MCOMMSU/E005/2024. The court in the said case delivered a ruling on the issue on 6th December 2024 affirming that the duly recognized officials of the 1st Defendant to be the 5th, 6th and 7th Defendants herein; meaning that they are the ones with the authority to instruct an Advocate for the 1st Defendant Co-operative Society.
7. It has been submitted that this ruling by the Magistrate's Court in Kajiado MCOMMSU/E005/2024 has not been appealed from and therefore stands. Further that the records of the Commissioner of Co-operatives were duly updated to reflect the 5th, 6th and 7th Defendants as the legitimate officials of the 1st Defendant.
8. I have had sight of the ruling by the Magistrate's Court in Kajiado MCOMMSU/E005/2024 and the search from the Ministry of Co-operatives and Micro, Small and Medium Enterprises Development dated 17th March 2025. I agree with the submissions by Solonka and Solonka Advocates. The issue of who the legitimate officials of the 1st Defendant are has long been resolved.
9. With that in mind, only the 5th, 6th and 7th Defendants then may instruct an Advocate or transact business on behalf of the 1st Defendant.
10. Accordingly, I allow the notice of motion dated 23rd June 2025 as prayed. I hereby strike out the appearance, pleadings, applications, affidavits and any other documents filed or purported to be filed on behalf of the 1st Defendant by Mwangi & Ngatia Advocates under instructions of the 2nd, 3rd and 4th Defendants.
11. I make no order as to costs.
It is so ordered.



DATED SIGNED AND DELIVERED VIRTUALLY AT KAJIADO THIS 16TH DAY OF SEPTEMBER 2025.

M.D. MWANGI

JUDGE

In the virtual presence of:

Ms. Shikali for the Plaintiff

Ms. Khafafa h/b for Mr. Pareno for the 1st Defendant

Mr. Kamenju for the 2nd - 4th Defendants

Mr. Maina for the 5th – 7th Defendants

Mr. Oriema for the proposed Interested Parties

Court Assistant: Mpoye

M.D. MWANGI

JUDGE

