



REPUBLIC OF KENYA



**Kirioba v Odida & 4 others (Environment & Land Case
1510 of 2014) [2024] KEELC 630 (KLR) (7 February 2024) (Ruling)**

Neutral citation: [2024] KEELC 630 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE 1510 OF 2014**

**LN MBUGUA, J
FEBRUARY 7, 2024**

BETWEEN

SAMSON MAISIBA KIRIOBA PLAINTIFF

AND

GODFREY OYORO ODIDA 1ST DEFENDANT

ELIUD NG'ANG'A MURIMI 2ND DEFENDANT

FRANCIS OSUMA 3RD DEFENDANT

LEAH WANGECHI KARIUKI 4TH DEFENDANT

KARIUKI GITINGIRI 5TH DEFENDANT

RULING

1. Counsel for 7th defendant has sought for the setting aside of interlocutory judgment. This move has been opposed by plaintiffs counsel who contend that the rules of procedure don't envisage such a scenario more so when the judgment was entered more than 20 years ago.
2. I find that the rules of procedure particularly order 10 rule 4, 6, 9 and 10 of the Civil Procedure Rules do not envisage entry of interlocutory judgment in non-liquidated claims. To this end, the court makes reference to the cases of *Peter Karanja Kamani v Isaac Mwangi Kimani* [2018] eKLR and *Beatrice Wanjiru Kamuri V John Kibira Muiruri* [2016] EKLR.
3. To this end, the court will give orders that the interlocutory judgment entered several years ago shall not be set aside but the same shall only apply to liquidated claims.
4. To this end, the 7th defendant is hereby allowed to tender his evidence in so far as it makes reference to non-liquidated claims.



**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 7TH DAY OF FEBRUARY, 2024
THROUGH MICROSOFT TEAMS.**

LUCY N. MBUGUA

JUDGE

In the presence of:-

Kinoru for Adida (7th Defendant)

Muhoro for M/s Murimi (8th Defendant and Kamore (1st Defendant)

James Kamore the 1st Defendant

Godfrey Odida the 7th Defendant

Court Assistant: Cheron

