



**Kagwai & 4 others (Suing as themselves and as representatives of Nachu Welfare Group & the surrounding Community) v Muinamia & 2 others; County Government of Kiambu & another (Interested Parties) (Land Case 7 of 2024) [2024] KEELC 6561 (KLR) (3 October 2024) (Ruling)**

Neutral citation: [2024] KEELC 6561 (KLR)

**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT AND LAND COURT AT NAIROBI**  
**LAND CASE 7 OF 2024**  
**LN MBUGUA, J**  
**OCTOBER 3, 2024**

**BETWEEN**

**PETER MUIRURI KAGWAI ..... 1<sup>ST</sup> APPLICANT**  
**JOSEPHINE WAMBUI MBUTHI ..... 2<sup>ND</sup> APPLICANT**  
**FLACIAH WANJIKU KIHU ..... 3<sup>RD</sup> APPLICANT**  
**JOHN KARURI ..... 4<sup>TH</sup> APPLICANT**  
**GEOFFREY KIHUHA ..... 5<sup>TH</sup> APPLICANT**  
**SUING AS THEMSELVES AND AS REPRESENTATIVES OF NACHU WELFARE**  
**GROUP & THE SURROUNDING COMMUNITY**

**AND**

**SAMUEL NJUNGE MUINAMIA ..... 1<sup>ST</sup> RESPONDENT**  
**KIAMBU LAND REGISTRAR ..... 2<sup>ND</sup> RESPONDENT**  
**ATTORNEY GENERAL ..... 3<sup>RD</sup> RESPONDENT**

**AND**

**COUNTY GOVERNMENT OF KIAMBU ..... INTERESTED PARTY**  
**NATIONAL LAND COMMISSION ..... INTERESTED PARTY**

**RULING**

1. Before me is the Plaintiff’s Notice of Motion dated 14.5.2024 seeking orders that this case be consolidated and be heard together with case no. ELC 777 of 2015. The applicants contend that the latter case involves the suit property Karai/Lusengeti/T1837 which was illegally subdivided from T



438. In the supporting affidavit of the 1<sup>st</sup> plaintiff he avers that the applicants are a welfare group formed in the year 2021 and registered on 17.2.2022, that they consist of members who were forcefully and illegally evicted by the 1<sup>st</sup> defendant from their trading center. They desire to give input on how the suit land was grabbed, of which they obtained an important document on 13.7.2023.

2. On 15.7.2024, the court gave directions for a response to be filed by 29.7.2024 but there was no compliance. Thus the application is unopposed.
3. The issue for determination is whether this file should be consolidated with case no. 777 of 2015. In the case of *Selecta Kenya Gmbh & Co. KG v Chase Bank Kenya Limited & 2 others* [2018] eKLR, it was stated that;

“The purpose of consolidation of suits is to save costs, time, speed up trial, eliminate duplicative trials involving the same parties, issues and evidence, for efficient and proper administration of justice, and expeditious disposal of matters, consequently promote judicial economy, so long as it is not to prejudice any of the Parties”.

4. Firstly, it is not clear as to what would be consolidated with the case ELC 777 of 2015, in that the case LC 7 OF 2024 contains only a notice of motion application without any pleadings. It follows that any consolidation would be prejudicial to the administration of justice as the case of the current applicants has not been framed in form of a pleading as envisaged under Order 2 of the Civil Procedure rules.
5. Secondly, it is noted that the case ELC 777 OF 2015 is at an advanced stage of defence hearing and it is not clear as to how the applicants would participate in the proceedings when the older case is at the tail end.
6. All in all, I find that the application is not merited, the suit is hereby dismissed with no orders as to costs.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 3<sup>RD</sup> DAY OF OCTOBER, 2024 THROUGH MICROSOFT TEAMS.**

**LUCY N. MBUGUA**

**JUDGE**

**In the presence of:-**

Peter Muiruri Kagwai the Applicant (on behalf of other Plaintiffs)

M/s Karanja for 1<sup>st</sup> Respondent

Muchiri for 1<sup>st</sup> Interested Party

Waini for 2<sup>nd</sup> Interested Party

Court assistant: Joan

