



**Chira & 2 others v Gakuo & 2 others (Environment & Land Case
093 of 2021) [2023] KEELC 20218 (KLR) (19 September 2023) (Ruling)**

Neutral citation: [2023] KEELC 20218 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT THIKA
ENVIRONMENT & LAND CASE 093 OF 2021
BM EBOSO, J
SEPTEMBER 19, 2023**

BETWEEN

**MARY WANGARI CHIRA 1ST PLAINTIFF
FLORENCE WANJIKU MUCHAI 2ND PLAINTIFF
REGINA WANGUI MWAURA 3RD PLAINTIFF**

AND

**TERESA WAMBUI GAKUO 1ST DEFENDANT
DENNIS MWAURA GAKUO 2ND DEFENDANT
THE LAND REGISTRAR, KIAMBU 3RD DEFENDANT**

RULING

1. The plaintiff filed a notice of withdrawal of suit, dated September 18, 2023. Today, counsel for the plaintiffs has made an oral application to have this suit marked as withdrawn. She contends that she will be urging that the plaintiffs do pay only nominal costs.
2. Counsel for the 1st and 2nd defendants does not oppose the request save that he wants his two clients to be awarded costs of the suit. The position of the Attorney General is that he has no objection and that the quantum of costs is a matter for the taxing officer of the court.
3. In the absence of any objection, this suit is marked withdrawn. On costs, the general principle is that costs follow the event. On quantum, assessment of costs in a withdrawn suit is a matter for the taxing officer of the court. The defendants having been dragged to the court by the plaintiffs, the plaintiffs will bear costs of the suit.
4. Consequently, this suit is marked withdrawn. The plaintiff shall bear costs of the withdrawn suit.



**DATED, SIGNED AND DELIVERED VIRTUALLY AT THIKA ON THIS 19TH DAY OF
SEPTEMBER 2023**

B M EBOSO

JUDGE

In the Presence of: -

Mr Ngaira for the Plaintiffs

Mr Gachoka for the 1st Defendant

Mr Mwambonu for the 3rd Defendant

Court Assistant: Osodo

