



Wanjala & 12 others v Musioma & others (Environment & Land Case 300 of 2004) [2023] KEELC 20670 (KLR) (11 October 2023) (Ruling)

Neutral citation: [2023] KEELC 20670 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE 300 OF 2004
LN MBUGUA, J
OCTOBER 11, 2023**

BETWEEN

NEWTON WANJALA & 12 OTHERS PLAINTIFF

AND

JOSEPH ZIRO MUSIOMA & OTHERS DEFENDANT

RULING

1. An issue has been raised by Mr Mwangi supported by counsels for the rest of the defendants that they stand to be prejudiced if they don't get an opportunity to clarify questions put forth by Mr Osoro. It is argued that the witness on the dock is on the side of the 14th and 15th defendants.
2. Mr Ndiso and Mr Osoro on the other hand contend that the 3rd defendant is the one who brought all these parties on board.
3. I have keenly observed the testimony of PW1. Without a doubt, their issues (plaintiffs) are tied to the hip as Siamese twins with those of the 14th and 15th defendants as the plaintiffs were members of the entity known as disciples self help group.
4. However, on the other hand and having been named as defendants in this suit Mr Osoro has latituted to cross examine any witness who comes on the dock.
5. In that regard I give the following orders:
 - i. Going forward, the order of tendering evidence is that the plaintiffs witness in the main suit shall give their evidence in chief. Then the 1st cross examination shall be done by Mr Osoro, then followed by 1st – 5th defendants.
 - ii. Since this order was not followed during the testimony of PW1 then Mr Osoro will still continue to cross examine the witness (PW1) unhindered. However, the defendants (1st -5th) shall be at liberty to further cross examine the witness for any clarifications.



DATED, SIGNED AND DELIVERED AT NAIROBI THIS 11TH DAY OF OCTOBER, 2023
THROUGH MICROSOFT TEAMS.

LUCY N. MBUGUA

JUDGE

