



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT**

**AT NAIROBI**

**ELC CASE NO. 46 OF 2020**

**EPCO BUILDERS LIMITED.....PLAINTIFF**

**VERSUS**

**NAIROBI CITY WATER & SEWERAGE COMPANY.....1ST DEFENDANT**

**ATHI WATER WORKS DEVELOPMENT AGENCY.....2ND DEFENDANT**

**MINISTRY OF TRANSPORT, INFRASTRUCTURE,**

**HOUSING AND URBAN DEVELOPMENT.....3RD DEFENDANT**

**G. L. WILLIAMS LIMITED.....4TH DEFENDANT**

**RULING**

1. The 3rd Defendant has stated that they have just come on record hence they seek 14 days to file their pleadings. Counsel for the Plaintiff however avers that he filed a request for judgment against 3rd & 4th Defendants dated 12.11.2021.
2. In rejoinder, counsel for 3rd Defendant avers that there is no claim for liquidated damages to warrant the request for judgment. I have perused the plaint and indeed there is no claim for liquidated damages.
3. In the case of **Peter Karanja Kamani v Isaac Mwangi Kimani(2018)eKLR**, the court held that:

***“Under Order 10 Rules 4,6,9 and 10 of the Civil Procedure Rules Interlocutory judgment cannot issue in land matters unless the claim is accompanied by a prayer for pecuniary damages.”***

4. In that regard, I find that the request for judgment made by the Plaintiff cannot be endorsed by this court.
5. I hereby invoke the court’s inherent jurisdiction under **Section 3A** of the **Civil Procedure Act** and I grant the 3rd & 4th Defendants 14 days to file and serve their pleadings.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 8TH DAY OF FEBRUARY, 2022 THROUGH MICROSOFT TEAMS.**

**LUCY N. MBUGUA**

**JUDGE**

**In the presence of:-**

Oketch for the Plaintiff

A. Kamau for the Defendant

Court Assistant: Eddel Barasa