



**Mbau v Wamea & 2 others; Mbau (Applicant) (Miscellaneous Application E007 of 2025) [2025] KEELC 3934 (KLR) (21 May 2025) (Ruling)**

Neutral citation: [2025] KEELC 3934 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT THIKA  
MISCELLANEOUS APPLICATION E007 OF 2025**

**JA MOGENI, J  
MAY 21, 2025**

**BETWEEN**

**JOYCE WAMBUI MBAU ..... PLAINTIFF**

**AND**

**PURITY WAMBUI WAMEA ..... 1<sup>ST</sup> RESPONDENT**

**LAND REGISTRAR NAIROBI ..... 2<sup>ND</sup> RESPONDENT**

**THE ATTORNEY GENERAL ..... 3<sup>RD</sup> RESPONDENT**

**AND**

**KENNEDY MURIGI MBAU ..... APPLICANT**

**RULING**

1. The Applicant moved the Court vide 21/01/2025 seeking reinstatement of a suit he states was dismissed on 14/11/2017 seeking to have the same reinstated for hearing.
2. I note that the Applicant did not indicate the number of the suit that was dismissed but only the date when the alleged suit was dismissed.
3. I also note that the Application is brought as a Miscellaneous Application meaning the Court is denied the benefit of perusing the original file of the said suit.
4. If it were not for the Replying Affidavit of Purity Wambui Wamea dated 21/03/2025, I would not have known that the matter seeking to be reinstated is ELC No. 829 of 2017.
5. In calling for the file I realized that it is actually before my sister Justice Jane Onyango and a similar Application was made before her and dismissed for want of prosecution on 16/01/2025.



6. This is an outright abuse of the Court process. I will not go beyond this but refer the Applicant and the other Applicants in this ELCMISC E007 of 2025 back to Court 1 to file substantive Applications if need be under the same suit file and seek the orders sought here in the Court.
7. The Applicant for the Notice of Motion dated 21/01/2025 is directed to withdraw the Application filed before this Court and also warned to avoid misusing and abusing the judicial processes.
8. I therefore direct that the parties if they are interested in litigating further to file their Applications before Court 1 where the substantive suit is domiciled and to avoid Miscellaneous Applications consuming scarce Court time. This file is closed.

Orders Accordingly

**DATED, SIGNED AND DELIVERED VIRTUALLY AT THIKA THIS 21<sup>ST</sup> DAY OF MAY 2025  
VIA MICROSOFT TEAMS.**

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**MOGENI J**

**JUDGE**

In the presence of:

Plaintiff - Absent

Mr. Tumu for the 1<sup>st</sup> Respondent

2<sup>nd</sup> and 3<sup>rd</sup> Respondents - Absent

Mr. Melita – Court Assistant

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**MOGENI J**

**JUDGE**

