



**Kamau & 2 others (Being the Chairman, Secretary and Committee Member of Johari Welfare Association) v County Government of Kiambu & another (Civil Case 22 of 2019) [2025] KEHC 8468 (KLR) (16 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 8468 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
CIVIL CASE 22 OF 2019  
DO CHEPKWONY, J  
JUNE 16, 2025**

**BETWEEN**

**SEBASTIAN CHEGE KAMAU ..... 1<sup>ST</sup> PLAINTIFF**

**JACKSON KAGIMBI KAGINA ..... 2<sup>ND</sup> PLAINTIFF**

**MAURICE MUHORO ..... 3<sup>RD</sup> PLAINTIFF**

**BEING THE CHAIRMAN, SECRETARY AND COMMITTEE MEMBER OF  
JOHARI WELFARE ASSOCIATION**

**AND**

**COUNTY GOVERNMENT OF KIAMBU ..... 1<sup>ST</sup> DEFENDANT**

**NATIONAL HOUSING COOPERATION ..... 2<sup>ND</sup> DEFENDANT**

**RULING**

1. In this case the 1<sup>st</sup> and 2<sup>nd</sup> Petitioners appeared before court on 5<sup>th</sup> May, 2025 and indicated that they intend to withdraw the suit. The court then directed the Petitioners to file a Notice of Withdrawal of suit and Affidavit in support on behalf of all the Petitioners to confirm this.
2. On 26<sup>th</sup> May, 2025, the 2<sup>nd</sup> Defendant’s counsel confirmed and the court noted the Affidavit sworn by all the Petitioners on 9<sup>th</sup> May, 2025. Seeking to be granted leave to withdraw the suit which they confirmed filed on behalf of Johari Welfare Association. They urged the court to allow them to withdraw the suit without orders as to costs on the ground that the burden of costs would heavily affect them since most of their members have since passed on and reaching out to the families would be a challenge.



3. However, the counsel for the 2<sup>nd</sup> Defendant, while not opposed to the Petitioner's being granted leave to withdraw the Petition, sought to be awarded costs for they had filed a defence alongside witness statements and a list of bundle of documents.
4. I have gone through the record and note that the suit was filed on 26<sup>th</sup> August, 2019 and indeed the 1<sup>st</sup> Defendant entered appearance and filed Defence on 7<sup>th</sup> October, 2019. The 2<sup>nd</sup> Defendant equally entered appearance, filed a Defence, list of witnesses and list and bundle of documents. The court further notes the participation of the Defendants' Counsel in the proceedings on diverse dates.
5. For these reasons the court finds the Defendants deserve to be compensated that it will be unfair to withdraw the suit without issuing orders on costs. In the circumstances, the court proceeds to grant the Petitioners leave to withdraw the suit/Petition and the same is hereby marked as withdrawn with costs to the Defendants.

It is so ordered.

**RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 16<sup>TH</sup> DAY OF JUNE , 2025.**

**D. O. CHEPKWONY**

**JUDGE**

In the presence of:

Petitioners in person – present

Court Assistant - Martin

