



**Kariuki & 6 others v County Government of Kiambu (Civil Case
16 of 2016) [2023] KEHC 23593 (KLR) (21 September 2023) (Directions)**

Neutral citation: [2023] KEHC 23593 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CIVIL CASE 16 OF 2016
DO CHEPKWONY, J
SEPTEMBER 21, 2023**

BETWEEN

**JAMES GACHERU KARIUKI 1ST PLAINTIFF
HARRISON KARIIRA THUKU 2ND PLAINTIFF
GEORGE KINGIRI WANJOHI 3RD PLAINTIFF
DAVID NGUGI KABATI 4TH PLAINTIFF
COMPANY LIMITED 5TH PLAINTIFF
RUTH MBECHA 6TH PLAINTIFF
NAOMI WANJIRU KIBURU 7TH PLAINTIFF**

AND

THE COUNTY GOVERNMENT OF KIAMBU DEFENDANT

DIRECTIONS

1. This matter came up for mention on July 25, 2023 for parties to take directions. Upon listening to counsel for the Applicant, it came out that directions were required to issue on whether the suit should proceed alongside JR Cause No 2 of 2017.
2. According to the 1st Plaintiff, although there were prior directions that the JR Cause No 2 of 2017 was the file to proceed, the two files have now been separated hence this Court is implored to allow parties proceed with this matter.
3. I have perused the court record and a consideration thereof find that the same speaks for itself. The record indicated that the instant suit was stayed way back on May 8, 2018 to await the determination of JR Cause No 2 of 2017. The major reason for this being that the issues raised in this suit were substantially in issue for determination in JR Cause No 2 of 2017.



4. In this Court's view, it is a widely accepted concept that a court should not proceed with a suit in which the issues raised therein are directly and substantively the same as those in a previously instituted suit as between the same parties and is pending before the same or another court with jurisdiction to determine it. In other words, the court is precluded under the doctrine of sub-judice from trying a matter that is in one way or another before another court of competent jurisdiction.
5. It is this principle of sub-judice that informed this court to issue stay of proceedings order in this matter on May 8, 2018. So far, those orders have not been altered, fulfilled or otherwise discharged. They therefore cannot be overlooked simply on the ground that this file has been separated from JR Cause No 2 of 2017. The best way forward is for the parties herein to attend the court handling JR Cause No 2 of 2017 and abide or comply with the orders or directions issued therein on May 8, 2018, unless otherwise ordered and or directed.
6. In the upshot, the court reiterates that the orders issued on May 8, 2018 and directs that this instant suit be mentioned alongside JR Cause No 2 of 2017.
7. Mention on October 23, 2023 before the Deputy Registrar to confirm compliance.

It is so ordered.

DIRECTIONS DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 21ST DAY OF SEPTEMBER, 2023.

D.O CHEPKWONY

JUDGE

