



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT NAIROBI**

**ELC. CASE NO. E342 OF 2021**

**LEAH NGENDO KOMU**

**(Suing through the estate of**

**JOHNSON KAMAU KOMU (DECEASED).....PLAINTIFF**

**VERSUS**

**(THE ADMINISTRATORS OF THE**

**ESTATE OF GERISHON K. KIRIMA)**

**TERESIA W. KIRIMA & ANN W. KIRIMA.....1<sup>ST</sup> RESPONDENT**

**JOHN GERISHON KIRIMA.....2<sup>ND</sup> RESPONDENT**

**RULING**

1. On 9<sup>th</sup> November 2021 while in virtual court, Mr. Ojienda for the Applicant prayed that this case be mentioned before Justice Okong'o on the ground that there are several other related matters before the Hon. Judge. Therefore, the file should be placed before the Hon. Judge so that this suit is not dealt with in isolation.

2. Counsel for the Respondents opposed this prayer on the ground that the matters were not related and that the said suits had been ongoing for over 5 years and were at an advanced stage. He added that they had filed a Preliminary Objection which this court had capacity to determine.

3. This court finds that there is a pending application dated 18.9.2021 seeking an order of enjoinder enjoining this matter with several other matters. That application has not been prosecuted. The Respondent has filed a Notice of Preliminary Objection seeking orders for the striking out of the suit of which, the said preliminary Objection is also pending. This court is the one currently seized of the matters appertaining to this particular suit. As such, I decline to order the transfer of the file to Judge Okongo and instead, I direct that both the Application and the Preliminary Objection be heard simultaneously before this court.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 8TH DAY OF DECEMBER, 2021 THROUGH MICROSOFT TEAMS.**

**LUCY N. MBUGUA**

**JUDGE**

**In the presence of:-**

Onduso for the Respondent

Ojienda for the Applicant

Court Assistant: Eddel Barasa