



REPUBLIC OF KENYA



**Kariuki v Attorney General & 24 others; Achoki & 4 others (Interested Parties) (Environment and Land Miscellaneous Case E019 of 2023) [2025] KEELC 6523 (KLR) (23 September 2025) (Directions)**

Neutral citation: [2025] KEELC 6523 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO  
ENVIRONMENT AND LAND MISCELLANEOUS CASE E019 OF 2023  
MD MWANGI, J  
SEPTEMBER 23, 2025**

**BETWEEN**

**LAWRENCE NGINYO KARIUKI ..... PLAINTIFF**

**AND**

**THE ATTORNEY GENERAL ..... 1<sup>ST</sup> RESPONDENT  
CAROLYNE GACHERU THURANIRA (SUED AS THE ADMINISTRATORS OF THE LATE FRANCIS MURIUKI THURANIRA) ..... 2<sup>ND</sup> RESPONDENT  
MOMANYI BOSIRE ..... 3<sup>RD</sup> RESPONDENT  
PRISCILLA WANJIKU NJOROGE ..... 4<sup>TH</sup> RESPONDENT  
KENYA COMMERCIAL BANK LIMITED ..... 5<sup>TH</sup> RESPONDENT  
SAMUEL ECHACHI SHIKUKU ..... 6<sup>TH</sup> RESPONDENT  
AFYA CO-OPERATIVE SACCO LIMITED ..... 7<sup>TH</sup> RESPONDENT  
KENNEDY IRUNGU MWANGI ..... 8<sup>TH</sup> RESPONDENT  
MARGARET MUCHISA BWIRE ..... 9<sup>TH</sup> RESPONDENT  
RACHEL WAIRIMU NJOROGE ..... 10<sup>TH</sup> RESPONDENT  
CYPRIAN KANAKE AMBAO ..... 11<sup>TH</sup> RESPONDENT  
STEPHEN WANG'OMBE KINUTHIA ..... 12<sup>TH</sup> RESPONDENT  
MUCHIRI KAMAU ..... 13<sup>TH</sup> RESPONDENT  
SOPHY NDELA KAMATA ..... 14<sup>TH</sup> RESPONDENT  
RISPER KERUBO NYAMETE ..... 15<sup>TH</sup> RESPONDENT  
PETER KINUTHIA GITURA ..... 16<sup>TH</sup> RESPONDENT**



WINNIE WANJIRU KARIUKI ..... 17<sup>TH</sup> RESPONDENT  
EDWARD ELVIS NDIRANGU AND ESTHER WANGARI  
NDIRANGU ..... 18<sup>TH</sup> RESPONDENT  
DEBORAH OWIRA OTIENO ..... 19<sup>TH</sup> RESPONDENT  
PAUL JAMES OTIENO ODHIAMBO ..... 20<sup>TH</sup> RESPONDENT  
BARCLAYS BANK OF KENYA LIMITED ..... 21<sup>ST</sup> RESPONDENT  
JOHN MUCHANGI KARIGI ..... 22<sup>ND</sup> RESPONDENT  
MEYO ABUOGO ..... 23<sup>RD</sup> RESPONDENT  
SAVINGS AND LOAN KENYA LIMITED ..... 24<sup>TH</sup> RESPONDENT  
GOERGE NDEGWA T/A GREEN PLOT PROPERTIES ..... 25<sup>TH</sup> RESPONDENT

**AND**

ZADARACK OYARO ACHOKI ..... INTERESTED PARTY  
CLAUDFE JOSEPH KAMATA ..... INTERESTED PARTY  
MAXIMINUS EKADA MAASE ..... INTERESTED PARTY  
STEPHANIA ACHOM ..... INTERESTED PARTY  
HESKETH M MBOTHU ..... INTERESTED PARTY

**DIRECTIONS**

1. This matter was scheduled for the hearing of the Objectors’ application dated 19<sup>th</sup> August 2025. It however emerged that there were two other applications filed in this matter; the first one is by the decree holder which is a notice of motion dated 15<sup>th</sup> September 2025 seeking to garnishee/attach accounts held by various banks in the name of the late Lawrence Nginyo Kariuki to satisfy the decretal amount of Kshs. 3,415,164.39 together with the costs of the execution and interest. Directions were yet to be given on this application.
2. The other application is by the administrators/legal representatives of the estate of the late Nginyo Kariuki. The Applicants seek three main prayers being substitution of the late Nginyo Kariuki with the administrators/legal representatives of his estate, extension of time within which to file a reference against the ruling on taxation of costs and off course the varying and or setting aside of the ruling of the taxing master on taxation mainly on the ground that the estate of the late Nginyo Kariuki was not aware of the proceedings and therefore did not participate in the taxation.
3. The decree holder conceded to the prayer for the substitution of the late Nginyo Kariuki with the administrators/legal representatives of his estate but sought time to respond to the other two prayers.
4. It is worth noting that the ruling of my predecessor, Justice M.N. Gicheru of 15<sup>th</sup> March 2022 awarded costs against the Estate of the Late Nginyo Kariuki. In the interest of justice, it is appropriate that the Estate of the Late Nginyo Kariuki be allowed an opportunity to voice its position through its duly appointed legal representatives who are now party to these proceedings.



5. This court has the inherent power to make any orders as may be necessary for the ends of justice or to prevent abuse of the process of court. The scope of inherent powers of the court has been discussed in the *Halsbury's Laws of England*, 4<sup>th</sup> Edition, Volume 37 paragraph 14 in the following words;

“The jurisdiction of the court which is comprised within term “inherent” is that which enables it to fulfil itself properly and effectively as a court of law. The overriding feature of the inherent jurisdiction of the court is that it is part of the procedural law, both Civil and Criminal, and not part of substantive law; it is exercisable by summary process, without plenary trial; it may be invoked not only in relation to the parties in pending proceedings, but in relation to anyone, whether a party or not, and in relation to matters not raised in litigation between parties; it must be distinguished from the exercise of judicial discretion; it may be exercised even in circumstances governed by rules of court. The inherent jurisdiction of the court enables it to exercise control over process by regulating its proceedings, by preventing abuse of the process and by compelling the observance of the process ...; In summary, it may be said that the inherent jurisdiction of the court is a virile and viable doctrine and has been defined as being the reserve or fund of powers, which the court may draw upon as necessary whenever it is just or equitable to do so in particular to ensure the observance of the due process of law to prevent improper vexation or oppression to do justice between parties and to secure a fair trial between them”.

6. Exercising its inherent jurisdiction in order to secure a fair trial between the parties herein, this court directs that the application by the legal representatives of the estate of Nginyo Kariuki dated 19<sup>th</sup> September 2025 be heard and considered first. Awaiting the determination, there shall be a stay of execution of the order on costs.
7. The decree holders are granted 14 days to file and serve a response to the application with corresponding leave to the applicants to file a response in 14 days after service, if need be, alongside written submissions. The decree holders shall file and serve their submissions in 14 days after service of the applicants' submissions. The court shall give a date for highlighting of the submissions.

It is so ordered.

**DATED SIGNED AND DELIVERED VIRTUALLY AT KAJIADO THIS 23<sup>RD</sup> DAY OF SEPTEMBER 2025.**

**M.D. MWANGI**

**JUDGE**

In the virtual presence of:

Mr. Kere for the Objectors

Ms. Kadima for the Executors of the Estate of Nginyo Kariuki

Ms. Njuguna Joan h/b for Mr. Mwaniki for the Decree holders

