



**Ngai & another v Solution Sacco Society Limited (Environment and Land Miscellaneous Case E017 of 2025) [2025] KEELC 6423 (KLR) (23 September 2025) (Ruling)**

Neutral citation: [2025] KEELC 6423 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT CHUKA  
ENVIRONMENT AND LAND MISCELLANEOUS CASE E017 OF 2025  
BM EBOSO, J  
SEPTEMBER 23, 2025**

**BETWEEN**

**ERIC MUTWIRI NGAI ..... 1<sup>ST</sup> APPLICANT**

**MERCY WARUE NJERU ..... 2<sup>ND</sup> APPLICANT**

**AND**

**SOLUTION SACCO SOCIETY LIMITED ..... RESPONDENT**

**RULING**

1. This suit was initiated as a Miscellaneous Application anchored on a Notice of Motion dated 25/8/2025. It was instituted through a notice of motion dated 25/8/2025. The motion was not anchored on a plaint. Through it, the applicant sought an interlocutory injunction restraining the respondent against selling, charging, transferring or adversely dealing with land parcel number Magumoni/Thuita/5729; 5730 and 5731. The dispute revolves around the chargee's right to exercise the statutory power of sale.
2. Vide an order made on 29/8/2025, the court directed the applicant to attend court and address it on:
  - (i) the jurisdiction of the court to deal with the mortgage dispute; and
  - (ii) the competency of this suit in the absence of a plaint.
3. Today, the applicant, through counsel, has applied to withdraw the suit. There is no evidence of service of the suit papers. There is no objection to the oral plea to withdraw the suit.
4. In the absence of any objection to the oral plea to withdraw the suit, the court will allow withdrawal of the suit with no order as to costs. The file shall be marked "closed."
5. Orders accordingly.

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



**B M EBOSO [MR]**

**ELC JUDGE**

In the presence of:

Mr. Njeru for the Applicant

Respondent – Absent

Court Assistant – Mr. Mwangi

