



Mbau v Attorney General & 2 others; Manyatta Simba Land Limited & 4 others (Interested Parties) (Environment and Land Case 882 of 2017) [2025] KEELC 6897 (KLR) (9 October 2025) (Ruling)

Neutral citation: [2025] KEELC 6897 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO
ENVIRONMENT AND LAND CASE 882 OF 2017
LC KOMINGOI, J
OCTOBER 9, 2025**

BETWEEN

JOYCE WAMBUI MBAU PLAINTIFF

AND

THE ATTORNEY GENERAL 1ST DEFENDANT

DISTRICT LAND REGISTRAR KAJIADO 2ND DEFENDANT

ANDREW KIPAIN OLE MOKO 3RD DEFENDANT

AND

MANYATTA SIMBA LAND LIMITED INTERESTED PARTY

DIANA WAITHERERO MUTHEE INTERESTED PARTY

FLORENCE WANJIRU MUTHEE INTERESTED PARTY

JOSEPHINE NYAMBURA WANGARI INTERESTED PARTY

KENPIPE HOUSING CO-OPERATIVE INTERESTED PARTY

RULING

1. This is the Notice of Motion dated 27th May 2025 brought under;

(Order 9 Rule 9, Order 42 Rule 6 and Order 51 of the Civil Procedure Rules 2010, and Section 3A of the *Civil Procedure Act*, Cap 21 of the Laws of Kenya and all other Enabling Provision of the Law).
2. It seeks orders;



1. Spent.
 2. Spent.
 3. Spent.
 4. That pending the hearing and determination of the intended appeal, the Honourable court be pleased to order a stay of the Judgement delivered on 5th May, 2025 and all consequential orders arising therefrom, pending the inter parties hearing hereof and final disposal of this application.
 5. Spent.
 6. That pending the hearing and determination of the intended appeal, the Honourable court be pleased to order an order preserving the status of the property known as Kajiado/Olooitikoshi Kitengela/2692.
 7. That costs of this application be in the cause.
3. The grounds are on the face of the application and are set out in paragraphs i to xvi.
 4. The application is supported by the affidavit of Andrew Kipain Ole Moko, the 3rd Defendant Applicant, sworn on the 27th May 2025.
 5. The Application is opposed.
There is a Replying Affidavit sworn by Kennedy Murigi Mbau, the Plaintiff/Respondent herein sworn on the 11th June 2025.
 6. The Application was canvassed by way of oral submissions on the 8th July 2025.
 7. I have considered the Notice of Motion, the Affidavit in support, the response thereto and the oral submissions. The issue for determination is whether the Application is merited.
 8. It is the 3rd Defendant/Applicant's case that the Appeal will be rendered nugatory if these orders are not granted. I have gone through the affidavit in support and I find that no reasons have been advanced by the Applicant as to why he did not participate in the hearing of this suit despite service.
 9. I agree with the Plaintiff/Respondents' submission that the 3rd Defendant/Applicant now admits that he disposed the suit property to third parties. The interested parties who were served by substituted service did not participate in the hearing.
 10. I also agree with the Plaintiffs/Respondents counsel's submissions that litigation must come to an end. The suit has been pending for over a decade before it was concluded.
 11. The 3rd Defendant/Applicant has failed to demonstrate that he deserves the exercise of this courts discretion.
 12. I find no merit in this application and the same is dismissed with costs to the Plaintiff/Respondent.

DATED, SIGNED AND DELIVERED VIRTUALLY AT KAJIADO THIS 9TH DAY OF OCTOBER 2025.

L. KOMINGOI
JUDGE.

In The Presence Of:



Mr. Mutali for the Plaintiff/Respondent.

Mr. Senteu for the 3rd Defendant/Applicant.

Ms. Moraa for Mr. Ntete for 1st Interested Party.

Peter – Court Assistant.

