



Dreadnought Holdings Limited v Barongo; Dabriya (Interested Party) (Environment and Land Case E062 of 2024) [2025] KEELC 8164 (KLR) (25 November 2025) (Ruling)

Neutral citation: [2025] KEELC 8164 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MACHAKOS
ENVIRONMENT AND LAND CASE E062 OF 2024
NA MATHEKA, J
NOVEMBER 25, 2025**

BETWEEN

DREADNOUGHT HOLDINGS LIMITED PLAINTIFF

AND

SHADRACK BARONGO DEFENDANT

AND

IBRAHIM MOHAMOD DABRIYA INTERESTED PARTY

RULING

1. The application is dated 19th September 2024 and is brought under Order 1 rules 10(2) and 22 of the Civil Procedure Rules, Section 3A of the [Civil Procedure Act](#) seeking the following orders;
 1. That Ibrahim Mohamod Dabriya being an Interested Party herein be allowed to join these proceedings as Plaintiff/Applicant.
 2. That the Plaintiff herein be enjoined as the 1st Defendant.
 3. Leave be granted by the Honourable Court to file our Counter-claim.
 4. That the costs of this application be provided for.
2. It is grounded on the annexed affidavit of Ibrahim Mohamod Dabriya and on the grounds the Applicant is the registered owner of that whole parcel of land known as 12715/706 I.R. 47917 registered in the name of Ibrahim Mohamod Dabriya. The Applicant has great interest in this property and therefore it is only fair that he be joined in as a party. The exclusion of the Interested Party from the proceedings will be an infringement of his rights to own property and right access to justice as provided for in Article 40 and 64 and 48 of [the Constitution](#) of Kenya.



3. This court has considered the application and the replying affidavit therein. As to whether the Applicant ought to be enjoined in the suit as a Plaintiff, Defendant or an Interested Party, the Court is guided by Order 1 Rule 10(2) of the Civil Procedure Rules which states;

“The court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the court to be just, order that the name of any party improperly joined, whether as plaintiff or defendant, be struck out, and that the name of any person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the court may be necessary in order to enable the court effectually and completely to adjudicate upon and settle all questions involved in the suit, be added.”

4. The Supreme Court decision in *Communications Commission of Kenya And 4 Others vs Royal Media Services Limited & 7 Others* Petition No. 15 OF (2014) eKLR where the Court pronounced itself on who an Interested Party is and held as follows:

“In determining whether the applicant should be admitted into these proceedings as an interested party, we are guided by this Court’s decision in the *Mumo Matemo* case where the court (at paragraphs 14 and 18) held:

“An interested party is one who has a stake in the proceedings, though he or she was not party to the cause ab initio. He or she is one who will be affected by the decision of the Court when it is made, either way. Such a person feels that his or her interest will not be well articulated unless he himself or she herself appears in the proceedings, and champions his or her cause. Similarly, in the case of *Meme v. Republic*, [2004] 1 EA 124, the High Court observed that a party could be enjoined in a matter for the reasons that:

- (i) Joinder of a person because his presence will result in the complete settlement of all the question involved in the proceedings;
- (ii) Joinder to provide protection for the rights of a party who would otherwise be adversely affected in law;
- (iii) Joinder to prevent a likely course of proliferated litigation.

5. We ask ourselves the following questions:

- a) what is the intended party’s state and relevance in the proceedings and
- b) will the intended interested party suffer any prejudice if denied joinder.?”

6. It is therefore clear that the parties who should be made parties to a suit are persons who are necessary for a complete and effectual adjudication of disputes before the court.

7. The Applicant claims that he is the legal registered owner of the suit property land Parcel 12715/706 L.R 2/47917 which he purchased from the late Nguku Mutangili. He annexed a copy of the title deed and search certificate marked IMD-1. The Plaintiff/Respondent in their plaint dated 20th August 2024 claims that the Defendant Shadrack Barongo has encroached on the suit property without lawful authority. I find that the joinder of the Applicant is necessary to enable this court determine the real issues in dispute. Looking at the application the Applicant seems unsure whether he wants to be enjoined as a Plaintiff, Defendant or interested party. Be that as it may, I find he has a stake in the proceedings and is a necessary party in this matter. The joinder of the Applicant will not occasion any prejudice upon the existing parties. I find this application has merit and grant the following orders;



1. That Applicant to be enjoined as a Defendant in the proceedings.
2. Costs of this application to be in the cause.

It is so ordered.

DELIVERED, DATED AND SIGNED AT MACHAKOS THIS 25TH DAY OF NOVEMBER 2025.

N.A. MATHEKA

JUDGE

