



# THE JUDICIARY



**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT AND LAND COURT AT MURANG'A**  
**ELCLC NO E013 OF 2025**

JOHN MWANGI KIMANI.....1<sup>ST</sup> PLAINTIFF  
ISAAC NDEGWA WANGUI.....2<sup>ND</sup> PLAINTIFF  
JAMES MAINA MWANGI .....3<sup>RD</sup> PLAINTIFF  
**VERSUS**  
GEOFFREY CHEGE KAMAU ..... 1<sup>ST</sup> DEFENDANT  
JAMES KANGETHE EPHANTUS ..... 2<sup>ND</sup> DEFENDANT

**RULING**

- 1) This ruling is on whether or not the Plaintiffs should pay costs. This is after the Plaintiffs withdrew their suit on 10-7-2025. According to the Plaintiff’s Counsel in his written submissions dated 7-10-2025, the reason for withdrawing the suit is that the Defendants do not have the necessary locus standi to be sued. This is as per the ruling of the Court in succession cause No E0258 of 2025 and E259 of 2024 in Murang’a CM’s Court cases.
- 2) In his written submissions the Defendants’ counsel insists on costs on the grounds that the suit was frivolous and only meant to coerce the Defendants into reaching an out of court settlement with the Plaintiffs and the withdrawal of the suit only came about after this coercion failed. Secondly, costs should follow the event and the Plaintiffs should pay the costs having brought the defendants to Court.
- 3) I have carefully considered the submissions by the learned counsel for the parties. The law on costs is to be found in **Section 27** of the **Civil Procedure Act** at the proviso where it is provided as follows.

***“Provided that the costs of any action, cause or other matter or issue shall follow the event unless the Court or Judge shall for good reason otherwise order”.***

The Court should always let the costs follow the event such that the party that has been brought to Court unwillingly should be paid the costs in the event that the case is withdrawn or dismissed. The only time that this rule should not be followed is where there is a good reason. The Plaintiffs' counsel did not give any reason as to why the costs should not follow the event.

There being no good reason to deviate from the law, I award the costs of the suit to the Respondents.

**Dated, Signed and Delivered virtually at Murang'a this 15<sup>th</sup> day of December, 2025.**

**M.N. GICHERU  
JUDGE.**

**Delivered online in the presence of; -  
Court Assistant – Mwangi Njonjo  
Applicants' Counsel – Mr. Tumuti  
Respondents' Counsel – Mr. T. M. Njoroge**