



REPUBLIC OF KENYA



**KENYA LAW**  
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**Nzuki v Syngenta Group Syngenta East Africa Limited (Environment and Land  
Case E054 of 2025) [2025] KEELC 8599 (KLR) (9 December 2025) (Ruling)**

Neutral citation: [2025] KEELC 8599 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT MURANGA  
ENVIRONMENT AND LAND CASE E054 OF 2025  
MN GICHERU, J  
DECEMBER 9, 2025**

**BETWEEN**

**JOSEPH MULA NZUKI ..... PLAINTIFF**

**AND**

**SYNGENTA GROUP SYNGENTA EAST AFRICA LIMITED ..... RESPONDENT**

**RULING**

1. This ruling is on the notice of motion dated 24/9/2025. The motion which is brought under Sections 3, 108 and 111 of the Environmental Management and Coordination Act, Order 40 Rules 1, 2 and 3 of the Civil Procedure Rules and Sections 1A and 3A of the *Civil Procedure Act*, seeks the following residual orders.
  - 3) A temporary injunction restraining the defendant whether by itself, its agents, servants, employees or any person claiming under it from dumping, directing or allowing the flow of waste material from its flower farm onto the plaintiff's farm known as L.R No. Mitubiri/Wempa/Block 1/153 pending the hearing and determination of the main suit.
  - 4) An environmental restoration order compelling the defendant to immediately cease all dumping activities and to undertake clean up and remediation measures on the plaintiff's farm in accordance with Section 108 of the Environmental Management and Coordination Act.
  - 5) That costs be in the cause.
2. The motion is based on ten (10) grounds and is supported by an affidavit sworn by the applicant which has four annexures. In summary the gist of the entire motion is as follows. Firstly, the applicant is the registered owner of the suit land while the defendant owns a parcel of land adjacent to the suit land. Secondly, the defendant which grows flowers for commercial use on the adjacent land has without the consent or authority of the plaintiff disposed off chemicals from its land onto the suit land. This discharge of the chemicals has affected the suit land negatively by reducing its productivity.



The plaintiff has been unable to use his property since the year 2014 thereby occasioning him loss. Thirdly, the plaintiff has reported the matter to the local administration and police as a result of which a report by the agricultural officer has been written quantifying the loss at Kshs. 1,499,112.75/=. Fourthly, the defendant's actions constitute a violation of the plaintiff's constitutional right to a clean and healthy environment and he stands to suffer loss that cannot be adequately compensated by an award of damages.

3. The motion is opposed by the respondent and in this regard, its Site Manager Kenya Cuttings Limited (KCL), Renald Musumba Olando has sworn a replying affidavit dated 31/10/2025 in which he replies as follows. Firstly, the defendant has been wrongly sued in these proceedings because L.R No. 305/3/ Mitubiri/Wempa/Block 1/53 belongs to KCL and not the defendant. Kenya Cuttings Limited and the defendant are two different companies. Secondly, the defendant denies all the allegations by the plaintiff of dumping any waste on the suit land. Thirdly, investigations by a surveyor indicate that the suit land is 5.64 Kms away from the land belonging to KCL and their two parcels do not share any resources like rivers, ponds or reservoirs and there is nothing to show the link between the two land parcels. Fourthly, the loss allegedly suffered by the plaintiff has been quantified which means that it can be adequately compensated. For the above and other reasons, the defendant prays for the dismissal of the plaintiff's motion.
4. I have carefully considered the motion in its entirety including the grounds, the supporting affidavit and the replying affidavit. This being a case where the orders sought are injunctive in nature, I find that the three conditions in the case of Giella Vs Cassman Brown [1973] EA 358 came into play. These conditions are that the applicant must establish two conditions to qualify for injunctive orders. These conditions are a prima facie with a probability of success and proof that he stands to suffer irreparable loss that cannot be adequately compensated by an award of damages. Finally, if the court is not sure of the two conditions, it looks at the balance of convenience.
5. It is my finding that the plaintiff has not proved that he stands to suffer loss that cannot be adequately compensated by an award of damages. There is already an admission that the damage is limited to Kshs.1,499,122.75 only. This can surely be compensated if it is proved eventually. Secondly, it is admitted that the alleged damage to the land started way back in the year 2014 which is a period of 11 years. There is therefore no urgency in the matter. Had it been urgent, this suit would have been filed in the year 2014. Finally, there is the uncontroverted evidence that the plaintiff's land and that of the defendant are more than 5 kilometres apart and they do not share any water resources. If this is the case, and the plaintiff did not file any supplementary material to counter this, then the proximity of the two parcels becomes a triable issue and for now, we do not have sufficient material from the plaintiff to prove lack of proximity of his land and that of the defendant.
6. For the above stated reasons, I find no merit in the motion dated 24/9/2025 which I dismiss. Costs in the cause.

**RULING DATED, SIGNED AND DELIVERED VIRTUALLY THIS 9<sup>TH</sup> DAY OF DECEMBER, 2025**

.....

**M. N. GICHERU**

**JUDGE**

In the presence of:

Plaintiff's Counsel-Miss Weiyemi



Respondent's Counsel- Mr. Rao  
Mohamed Dabar-Court assistant

