



**Mbugua & 6 others v Nyambura t/a Digro Squared Investments & 3 others (Environment and Land Case E105 of 2025) [2026] KEELC 876 (KLR) (17 February 2026) (Ruling)**

Neutral citation: [2026] KEELC 876 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT THIKA  
ENVIRONMENT AND LAND CASE E105 OF 2025  
JM ONYANGO, J  
FEBRUARY 17, 2026**

**BETWEEN**

**MARTIN MBUGUA & 6 OTHERS & 6 OTHERS ..... PLAINTIFF**

**AND**

**SAMUEL NJAGU NYAMBURA T/A DIGRO SQUARED  
INVESTMENTS ..... 1<sup>ST</sup> DEFENDANT  
DIGRO HOLDINGS AND CONSTRUCTION COMPANY ..... 2<sup>ND</sup> DEFENDANT  
CHIEF LAND REGISTRAR ..... 3<sup>RD</sup> DEFENDANT  
HON ATTORNEY GENERAL ..... 4<sup>TH</sup> DEFENDANT**

**RULING**

1. I have considered the application and the submissions by counsel for the Applicant on one part and counsel for the 1st and 2nd Respondents on the other part. The main reason given by the 1st and 2nd Defendants for opposing in this matter and ELC E092/24 are different, the sale agreements timelines and factual matrix are different. It has however been conceded that the 2 suit properties emanate from the same mother title and as matters stand, there is a single title between the apartments in Digro Phase 1 and Digro Estate Phase II.
2. The issues complained about by the Plaintiffs in both suit is the establishment of a parallel management company by the home owners.
3. In my considered view the fact that the Plaintiff are different does not materially change the factual matrix as the sit property is the same and so is the cause of action.
4. Consequently, I find merit in the application and I allow it as this will aid the court in furthering the overriding objective of the *Civil Procedure Act* and the Environment and *Land Act* which is to facilitate the just expeditious, and proportionate and affordable resolution of disputes.



5. I therefore direct that ELC E092/24 be consolidated with ELC E105/25. The lead file shall be E092/24 for purposes of recording the proceedings.
6. The prayers for injunction issued in E092/24 shall continue to apply in respect of ELC E105/25 pending the hearing and determination of this suit.

**DATED, SIGNED AND DELIVERED VIRTUALLY, AT THIKA THIS 17TH DAY OF FEBRUARY 2026**

.....

**J. M. ONYANGO**

**JUDGE**

In the presence of:

Mr Simiyu for the Plaintiffs

Ms Ng'ang'a for the 1st and 2nd Defendants

Ms Maganga for the 3rd and 4th Defendants

Court Assistant: Hinga

