

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT KAJIADO

ELCLC CASE NO. E157 OF 2025

JASSIE NJOKI GICHUKI.....1ST

PLAINTIFF

EDWARD MUKUNGA GICHUKI.....2ND

PLAINTIFF

EVA SHAKUR WANGARI GICHUKI.....3RD

PLAINTIFF

***(Suing as the administrators of the ESTATE OF THE LATE
GEORGE GICHUKI MUKUNGA)***

-VERSUS-

WILLISON KIGUTU MACHARIA.....

DEFENDANT

RULING

Introduction

1. There are two issues that need to be addressed in this ruling. First is Plaintiff's application in this matter dated 21st November 2025. Secondly, is the prayer for consolidation of this suit with ELCLC E172 of 2025.

Determination

2. The Plaintiffs in this case filed a plaint dated 21st November 2025 accompanied by a motion of even date seeking interim reliefs to preserve the subject matter of the suit awaiting the hearing and determination of the suit and which was duly served upon the Defendant/Respondent by way of an advertisement in a newspaper pursuant to the orders of the court issued on 17th December 2025. In spite of service, the Defendant/Respondent did not enter appearance nor respond to the application.

3. The court having considered the said application by the Plaintiffs finds it merited. I will spell out the terms in which the application will be allowed upon considering the issue of consolidation of this suit with ELCLC E172 of 2025.

4. I now come to the second issue which is the consolidation of this case with ELCLC E172 of 2025, which was referred to this court

from Court 2 for mention and direction alongside this suit. The latter matter relates to the same subject matter Kajiado/Dalalekutuk/3517; the Plaintiff is Rahito Investments Limited who has sued the administrators of the estate of the late George Gichuki Mukunga as the 1st, 2nd and 3rd Defendants and Wilson Kigutu Macharia as the 4th Defendant while the Land Registrar, Kajiado is the 5th Defendant. The administrators of the estate of the late George Gichuki Mukunga are the Plaintiffs in this case.

5. The Plaintiffs in both suits are in agreement that the two matters ought to be consolidated. The only apparent disagreement is which matter is to be the lead file. That essentially is what the court has been called upon to decide.
6. The essence of consolidation of suits as rightly noted by the Supreme Court of Kenya in the case of **Law Society of Kenya - vs- Center for Human Rights and Democracy and 12 others (2014) eKLR** is to facilitate the efficient and expeditious disposal of disputes and to provide a framework for a fair and impartial dispensation of justice to the parties.

7. In giving the directions, I must outrightly state that consolidation was never intended to give any undue advantage to any party or occasion any party disadvantage towards either party. The sole intention as stated by the Supreme Court of Kenya is to facilitate the efficient and expeditious disposal of disputes and provide a framework for a fair and impartial dispensation of justice where some common question of law or fact arises in the suits or the rights or reliefs claimed are in respect of the same transaction.
8. In this instance, the court is minded that ELCLC E157 of 2025 was filed earlier than the suit ELCLC E172 of 2025. Some progress too has been made in ELCLC E157 of 2025 including service of summons to enter appearance upon the Defendant, Wilson Kigutu Macharia who is also a Defendant in ELCLC E172 of 2025. He will therefore not require to be served again if ELCLC E157 of 2025 is to be the lead file.
9. The other purpose for consolidation other than expedition of the hearing is also saving on costs and effort and to make the conduct of several actions more convenient by treating them as one action. With this in mind, the court considers it appropriate

that the two matters be consolidated with ELCLC E157 of 2025 being the lead file.

10. Consequently, Wilson Kigutu Macharia shall remain the 1st Defendant in the consolidated matters whereas Rahito Investments Limited and the Land Registrar shall be the 2nd and 3rd Defendants in the consolidated suit, respectively.
11. Having said so, the file ELCLC E172 of 2025 will be closed on the Case Tracking System (CTS) but the physical file will be tied together with this matter for purposes of reference. All documents/pleadings henceforth shall be filed under ELCLC E157 of 2025. The Plaintiffs shall amend the plaint in the next 21 days to reflect the above directions. The Defendants shall be at liberty to file a statement of defence or defence and counter-claim, as appropriate, in 21 days after service of the amended plaint. The plaintiff must ensure that the Land Registrar is duly served with summons to enter appearance.
12. I will now go back to the aspect of interim orders having found ***merit in the Plaintiffs' application dated 21st November 2025.***

13. The intention of granting interim orders is to preserve the substratum of the suit awaiting the determination of the dispute.
14. Considering the unique circumstances of this case, and to ensure equality of arms, the court directs that the status quo be preserved as is. No party shall alienate, charge, lease, dispose of the suit property or undertake any constructions or developments thereon awaiting the hearing and determination of this suit.
15. The court issues an inhibition order under Section 68 of the Land Registration Act prohibiting any dealings with the suit property pending the hearing and determination of the suit.
16. The court however declines the order of mandatory injunction at this stage of the proceedings.
17. The remedy of mandatory injunction is only available in the clearest of cases. The court notes that there are a number of claimants to the suit property and the court is obligated to hear their side of the story.

It is so ordered.

Dated Signed and Delivered at Kajiado Virtually this 3rd Day of March 2026.

**M.D. MWANGI
JUDGE**

In the virtual presence of:

Mr. Odera for the Plaintiff in ELCLC E157 of 2025

Mr. Ndegwa for the Plaintiff in ELCLC E172 of 2025

Court Assistant: Mpoye

**M.D. MWANGI
JUDGE**