

THE REPUBLIC OF KENYA
IN THE ENVIRONMENT & LAND COURT AT NAIROBI
ELC NO. E196 OF 2025

AFRICA INLAND CHURCH OF KENYA
(MUKURU KWA REUBEN - NAIROBI) - **APPLICANT**

VS

THE CHAIRMAN, BOARD OF
MANAGEMENT - GATOTO
COMMUNITY PRIMARY SCHOOL - **1ST**
RESPONDENT

CHIEF LAND REGISTRAR - **2ND RESPONDENT**

RULING

1. The matter coming up for determination is the Plaintiff's Application dated 23/4/2025 and the 1st Respondent's Preliminary Objection dated 13/10/2025.
2. However, upon considering the Preliminary Objection as well as its Replying Affidavit thereto, the court notes that there have been two previous suits between the same parties over the subject matter; Milimani CMCC No. 10571 of 2004 and Nairobi CMELC No. 8948 of 2019.
3. That said, the 1st Respondent failed to attach a ruling or judgment in the said suit or the full pleadings filed therein, despite listing them as annexures to the preliminary objection.
4. Consequently, the Ruling is hereby vacated to enable the Respondent to avail to the court the pleadings, proceedings, and judgments in Milimani CMCC No. 10571 of 2004 and Nairobi CMELC No. 8948 of 2019, as well as any other suit related to the suit land within 30 days from today.

5. It is so directed

DELIVERED, DATED AND SIGNED AT NAIROBI THIS 24TH DAY OF MARCH 2026 VIA MICROSOFT TEAMS.

J. G. KEMEI
JUDGE

Delivered Online in the Presence of:

1. Ms Ogola HB Katunga Mbuvi for the Plaintiff/Applicant
2. Mr Maruja for the Defendants/Respondents
3. CA- Ms. Merylynn Nyanchama