



Mungai v Njoroge, Githua, Waithaka & Kinuu (All sued in their capacity as joint liquidators of Planters Cooperative Union Limited) & 2 others (Environment and Land Case 8 of 2018) [2026] KEELC 2379 (KLR) (29 April 2026) (Ruling)

Neutral citation: [2026] KEELC 2379 (KLR)

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MURANGA
ENVIRONMENT AND LAND CASE 8 OF 2018
MN GICHERU, J
APRIL 29, 2026
(FORMERLY NAIROBI ELCC NO. 1469 OF 2016
CONSOLIDATED WITH NAIROBI HCCC NO 779 OF 2009)

BETWEEN

ROBERT KINUTHIA MUNGAI PLAINTIFF

AND

STEPHEN KAMAU NJOROGE, DORIS WANGUI GITHUA, ANTHONY MAINA WAITHAKA, JOYCE NKIROTE KINUU (ALL SUED IN THEIR CAPACITY AS JOINT LIQUIDATORS OF PLANTERS COOPERATIVE UNION LIMITED) 1ST DEFENDANT

FIKAH ACRES LIMITED 2ND DEFENDANT

CHIEF LAND REGISTRAR 3RD DEFENDANT

RULING

1. This ruling is on chamber summons dated 9-10-2025. The summons is by the Plaintiff and is brought under Article 159 of the *Constitution* of Kenya, Sections 1A, 1B and 3A of the *Civil Procedure Act*, paragraph 11 (1) – (4) of the Advocates Remuneration Order, 1962 and all enabling provisions of the law.
2. The summons seeks the following orders.
 - i. The setting aside of the decision of the taxing officer dated 25-9-2025.
 - ii. Referral of the bill of costs dated 15-5-2025 for re-taxation by a different taking officer with proper and appropriate directions thereon.



- iii. Re taxation of the items relating to instruction fees and getting up fees in the bill of costs dated 15-5-2025 in accordance to the law and the principles of taxation.
 - iv. That costs of this reference be provided for.
 3. The summons is supported by an affidavit by the Plaintiff dated 9-10-2025 and is based on four (4) grounds whose essence is as follows. One, the Plaintiff filed a bill of costs seeking Kshs. 134,289,303/= but he was awarded only Kshs. 7,134,217. Two, on 1-10-2025 he sought reasons for the taxation vide a notice of objection. Three, the ruling of the Hon. Deputy Registrar is opposed on the following grounds. It is based on an error of principles; the taxing officer failed to properly determine the value of the subject matter before proceeding to assess its value, not appreciating that the counter claim comprised of 15 parcels of land, ignoring the valuation report by G.K. Mutugi and associates dated 26-11-2014 which was on record, awarding instruction fees and getting up fees which was manifestly low warranting interference by this court, arbitrarily adopting a value of Kshs. 51 Million as the subject matter without lawful or evidential basis, failing to take into account relevant factors in taxing the bill of costs and misdirecting herself on the application of the principles in Joreth Ltd vs. Kigano and associates.
 4. The summons is opposed by the 1st Defendant and its principal legal officer has sworn two affidavits dated 24-11-2025 and 15-12-2025 respectively. The gist of the reply is as follows. One, the valuation of Kshs. 5 Million per acre was by the Plaintiff's valuer and not by a joint valuation by both parties. Again the subject matter was 75 acres and not 860 acres. Two, there are two appeals pending at the Court of Appeal being Appeal Nos. E218 of 2024 and E060 of 2025 whose outcome as of now, is unknown.
 5. Counsel for the parties filed written submissions dated 23-12-2025 and 29-1-2026 respectively. The issues identified in the submissions are as follows.
 - i. Whether the taxing officer properly appreciated the value of the subject matter.
 - ii. Whether the taxing officer violated the principle of consistency of awards.
 - iii. Whether the Plaintiff should be granted the relief sought in the summons dated 9-10-2025.
 6. I have carefully considered the summons in its entirety including the affidavits by both sides, the record, the written submissions and the law cited therein. I find that the issues as identified will resolve the dispute.
 7. Regarding the first issue, I find that the taxing officer properly appreciated the value of the subject matter. Prayer (h) of the amended counterclaim dated 15-2-2023 which sought payment of the current market value of 860 acres was not granted in the judgment dated 7-11-2024. What were granted were prayers (a), (b), (d), (e), (f) and (g). It was therefore improper of the Plaintiff to peg his claim on the value of 860 acres which was not awarded to him. What was awarded is clear from the judgment. It includes a declaration that the suit parcels were irregularly transferred to the 2nd Defendant, a cancellation of the titles, eviction of the 2nd Defendant, an award of Kshs 51 Million to the 1st Defendant from the Plaintiff and a conclusion of Nairobi HCCC No. 542 of 1991. There was nothing else awarded to the Plaintiff.
 8. Having made this finding, I find the decision of the taxing officer was proper and the Plaintiff is not entitled to any of the reliefs sought.
 9. For the above stated reasons, I find no merit in the summons dated 9-10-2025 which I dismiss with costs to the 1st Defendant.



It is so ordered.

DATED, SIGNED AND DELIVERED VIRTUALLY AT MURANG'A THIS 29TH DAY OF APRIL, 2026.

M.N. GICHERU JUDGE.

Delivered online in the presence of; -

Court Assistant – Jackline

Plaintiff's Counsel – Mr Muturi Njoroge

1st Defendant's Counsel – Mr Muriuki

Miss Were holding brief for Njenga for 2nd Defendant

