



**Bedford v Mukangi & 8 others (Environment and Land Appeal
E006 of 2024) [2025] KEELC 5347 (KLR) (17 July 2025) (Ruling)**

Neutral citation: [2025] KEELC 5347 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MOMBASA
ENVIRONMENT AND LAND APPEAL E006 OF 2024**

YM ANGIMA, J

JULY 17, 2025

BETWEEN

DAVID KIRIMI BEDFORD APPELLANT

AND

CHRISTINE MUKANGI 1ST RESPONDENT

LYDIA WANJIRU 2ND RESPONDENT

MBURU NJUE 3RD RESPONDENT

ALEX KINYUA 4TH RESPONDENT

HELLEN MUTHONI 5TH RESPONDENT

EUNICE KIVUVA 6TH RESPONDENT

JANE WANGECHI 7TH RESPONDENT

EVALINE MUKASI 8TH RESPONDENT

REGINA MUTHONI 9TH RESPONDENT

RULING

1. By a notice of motion dated 14.10.2024 expressed to be based upon Order XI Rules 1 and 2 of the Civil Procedure Rules, Section 3A of the *Civil Procedure Act* (Cap 21), and any other enabling provisions of the law the 1st respondent purported to seek the following orders.

- a. That the appeal before the honourable court for determination is the one dated 09.02.2024 and served to the defendant on 11.04.2024 case No. ELC E006 of 2024, appealing to be awarded costs vide case No. BPRT 192 of 2023. Case No. BRPT 192 was consolidated and determined under the lead case No. 250 of 2020.



- b. That the plaintiff has also filed a notice of taxation dated 26.07.2024 under case No. ELC E086 of 2022 a matter that was consolidated and determined under lead case No. 250 of 2020.
 - c. That vide the said appeal, the defendant sought for the following orders;
 - i. That this honourable court be pleased to order the consolidation of this suit that is appeal No. ELC E006 of 2024 and Notice of taxations under case ELC E086 of 2022 for the suit to be heard simultaneously.
 - ii. That the further proceedings in this suit be stayed until further notice.
 - iii. That the cost of this application be provided for.
2. The application was supported by an affidavit sworn by Christine Mukangi on even date. Just like the chamber summons, the affidavit had no clarity on exactly what the 1st respondent was seeking in the application. There is no indication on record of the appellant having filed a response. The provisions of Order 11 of the Civil Procedure Rules which were cited in the summons merely deal with pre-trial directions and conferences and have no application to appeals. It would appear that the 1st respondent wanted the instant appeal to be consolidated with ELCA No. 192 of 2023. However, the 1st respondent did not exhibit copies of the memorandum of appeal in the latter appeal hence the court is unable to tell what are the issues in dispute or issues for determination therein.
3. It is not sufficient for a party to allege that there are similar questions of fact or law involved in two or more pending appeals. The party who is seeking consolidation must place some material on record and also demonstrate the alleged similarity of facts or the law in those appeals. As matters stand now, the court finds absolutely no material evidence on the basis of which an order for consolidation can be made.
4. The upshot of the foregoing is that the court finds no merit in the chamber summons dated 14.10.2024. As a consequence, the court makes the following disposal orders;
- a. The chamber summons dated 14.10.2024 is hereby dismissed with no order as to costs.
 - b. Since the appellant has already filed written submissions on the appeal, the respondents are hereby given 30 days to file and serve their respective submissions.
 - c. Judgment in the main appeal shall be delivered on 20.11.2025
- Orders accordingly.

RULING DATED AND SIGNED AT MOMBASA AND DELIVERED VIRTUALLY VIA MICROSOFT TEAMS ON THIS 17TH DAY OF JULY, 2025.

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Y. M. ANGIMA

JUDGE

In the presence of:

Gillian - Court assistant

Appellant present in person.

Ms. Christine Mukangi for 1st respondent

No appearance for 2nd-9th respondents.

