

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
ENVIRONMENT AND LAND COURT

ELC. NO. 527 OF 2012

STANLEY WECHULI SIMIYU.....APPLICANT

VERSUS

STEPHEN KIBE GAKURU AND

NANCY WANJIKU KIBE

(BOTH T/A KIWANJI ENTERPRISES).....1ST RESPONDENT

JOHN VUTI T/A COSTA PROPERTIES.....2ND RESPONDENT

RULING

Notice of Motion dated 2nd October 2015 seeks for the consolidation of this suit with **ELC. No. 121 of 2013**.

In this suit, the Applicant, Stanley Wechuli Simiyu is seeking to be declared the owner of two parcels of land being Plot No. 6845/120/13 and 6845/120/6, both of which are subdivisions of the larger parcel of land known as LR No. 6845/120. The Applicant has in this suit sued Stephen Kibe Gakuru and Nancy Wanjiku Kibe both trading as Kiwanji Enterprises as well as John Vuti trading as Costa Properties.

In **ELC. No. 121 of 2013**, the Plaintiffs are Stephen Kibe Gakuru and Nancy Wanjiku Kibe while the Defendants are 7. The 7th Defendant is the Plaintiff in this suit namely Stanley Wechuli Simiyu. The parties in both suits are therefore the same except that in the **ELC. 121 of 2013**, there are 6 more Defendants. The subject matter of the two suits is also the same being LR. No. 6845/120 to which the Plaintiffs lay claim and subdivisions which Stanley Wechuli Simiyu is laying claim over. In both suits therefore, the parties and the subject matter is the same.

In the circumstances, both suits be and are hereby consolidated with the lead file being **ELC. NO.121 of 2013**. Costs in the cause.

DELIVERED AND SIGNED IN NAIROBI THIS 19th DAY OF FEBRUARY 2016.

MARY M. GITUMBI

JUDGE