



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT KERUGOYA

ELC CASE NO. 830 OF 2013

**PATRICK NYAMU KIURA
PLAINTIFF/RESPONDENT**

VERSUS

**SARAH WAMBURA GITHINJI 1ST
DEFENDANT/RESPONDENT**

**ANN WANJIRU GITHINJI 2ND
DEFENDANT/RESPONDENT**

**DORCAS WANGECHI GITHINJI 3RD
DEFENDANT/RESPONDENT**

**EUNICE WAWIRA GITHINJIINTERESTED
PARTY**

RULING

On 18th December, 2013, PATRICK NYAMU KIURA filed this suit against the three defendants namely:

1. SARAH WAMBURA GITHINJI
2. ANN WANJIRU GITHINJI
3. DORCAS WANGECHI GITHINJI

He was seeking some orders with regard to a parcel of land known as KABARE/MIKARARA/566. The defendants filed a defence to the claim but on 12th May, 2014, all the parties herein signed a consent letter marking the case as withdrawn with no orders as to costs. That order was endorsed by the Deputy Registrar on 15th May, 2014 and made an order of the Court.

On 30th June, 2014 EUNICE WAWIRA GITHINJI filed an application seeking to be enjoined as an interested party in this case. In her affidavit in support of that application, she depones that it is imperative that she ***“be enjoined in this suit so that all matters touching the said land parcels be adjudged fully”***

The application is opposed and in her replying affidavit, the 1st defendant/respondent depones, inter alia, that there is no suit pending in this case as the same was withdrawn by consent of the parties.

The application was orally canvassed before me on 13th November, 2014 with Ms Wanjiru appearing for

the respondents. The applicant was acting in person.

I have considered the application and the oral submissions of the applicant and Ms Wanjiru for the respondents.

As stated above, this suit was filed on 18th December, 2013 but on 12th May, 2014, all the parties herein filed a consent letter dated 9th May, 2014 expressing their desire to withdraw the suit with no orders as to costs. The letter was on 15th May, 2014 made an order of the Court and the suit was marked as withdrawn with no orders as to costs. This suit therefore ceased to exist on 15th May, 2014 and therefore there is no suit pending in this Court in which the applicant can be enjoined as an interested party. If there is any litigation that she would wish to pursue relating the property No. KABARE/MIKARARA/566, she is within her right to file a suit against any party subject of course to her having a proper cause of action over the same. However, as far as this suit is concerned, it was terminated on 15th May, 2014 by the parties themselves. Indeed, no orders were made against any party with regard to the said parcel of land.

In the circumstances therefore, the application by the interested party dated and filed herein on 30th June, 2014 is dismissed with costs.

- **B.N. OLAO**
- **JUDGE**
- **1ST DECEMBER, 2014**

1/12/2014

Before

B.N. Olao – Judge

Willy – CC

Plaintiff – absent

Defendant – absent

Applicant – present

COURT: Ruling delivered in open Court this 1st day of December, 2014

- **B.N. OLAO**
- **JUDGE**
- **1ST DECEMBER, 2014**