



Mungai & another v Allied Group for Business Investment Limited & 3 others (Environment & Land Case 981 of 2015) [2024] KEELC 3288 (KLR) (19 March 2024) (Ruling)

Neutral citation: [2024] KEELC 3288 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE 981 OF 2015
OA ANGOTE, J
MARCH 19, 2024**

BETWEEN

RICHARD WARUINGI MUNGAI 1ST PLAINTIFF

STEPHEN MUNGAI 2ND PLAINTIFF

AND

ALLIED GROUP FOR BUSINESS INVESTMENT LIMITED 1ST DEFENDANT

BEN NJAU KAYAI T/A NJAU KAYAI & CO. ADVOCATES 2ND DEFENDANT

**ROGERS OTIENO SAGANA & ABDIWAHID AHMED BIRIQ T/A SAGANA,
BIRIQ & CO. ADVOCATES 3RD DEFENDANT**

CHIEF LAND REGISTRAR 4TH DEFENDANT

RULING

1. Pursuant to my Ruling and Orders of 18th January 2024, I directed as follows;
 - a) The 2nd Plaintiff be and is hereby restrained by an order of injunction from collecting the rent from the tenants in the suit property LR No. 36/III/13 and 36/III/96 pending the hearing and determination of this suit.
 - b) The rent from the tenants in the suit property LR No. 36/III/13 and 36/III/96 shall be collected by a reputable and registered real estate agent, appointed by the parties' and such agent shall deposit the collected rent in court, less its statutory commission, every month pending the hearing and determination of the suit.
2. When the matter was mentioned on 7th March, 2024, I was informed that the parties had not agreed on a single Estate Agent to collect the rent as directed by the court.



3. Counsel for the Plaintiff submitted that his client had settled on the firm of Tadaima Valuers Limited. Counsel submitted that the said firm had supplied him with its profile, which the court has perused.
4. On the other hand, counsel for the 1st Defendant submitted that Rubyland Limited was better placed to collect the rent. The profile of the said company was availed to the court. The 3rd and 4th Defendants counsel supported this position.
5. Counsel for the 2nd Plaintiff came up with a third company, Amazon Valuers Limited whose profile I have also perused.
6. Tadima Valuers Limited supplied to this court the Tax Compliance Certificate, the company exhibited the certificate of incorporation showing that it was registered incorporated on 18th May, 2021. The two directors have the current practicing certificates from the Valuer's Registration Board.
7. The professional indemnity for Tadima Valuers Limited is Kshs 20 million. The same seems to have expired on 5th July, 2023.
8. In respect of Rubyland Limited, they have offered to charge a rate of 5% of gross collections from the properties exclusive of VAT. Its profile shows that the company was incorporated on 26th July, 2010 as a Real Estate Consultancy firm.
9. The professional indemnity of the company is Ksh 100 million. The company has the current Tax Compliance Certificate. Its Directors have the current practicing certificates and the certificate of registration.
10. The report by Amazon Valuers Limited shows that they can collect rent from the suit premises at the rate of 5% of gross rent collection exclusive of VAT.
11. The professional indemnity of Amazon is Kshs 200,000,000. The company has exhibited the certificate of registration dated 6th July, 2010. Its director have the current practicing certificates issued by the Estate Agents Registration Board. The company also has the current Tax Compliance Certificate.
12. Having considered the profiles of the three companies, I find Amazon Valuers Limited to be the best suited firm to undertake the exercise of collecting rent from the suit premises.
13. The said Company has the highest professional indemnity cover than the other two, and has been in existence the longest.
14. For those reasons, the court makes the following orders:
 - a. Amazon Valuers Limited to collect rent from the suit property, LR No. 36/111/13 and LR No. 36/111/96 with effect from 1st February, 2024 until further orders of this court.
 - b. Amazon Valuers Limited to supply to all the parties herein a summary of all the rent collected less its fees on or before the 10th day of every month.
 - c. Each party to bear his/its own costs.

DATED, SIGNED AND DELIVERED VIRTUALLY IN NAIROBI THIS 19TH DAY OF MARCH, 2024.

O. A. ANGOTE

JUDGE

In the presence of;



Mr. Burugu for 2nd Plaintiff

Ms. Fahama for Issa for 1st Defendant

Mr. Otieno for Biriq for 3rd Defendant

Court Assistants - Tracy

