



REPUBLIC OF KENYA



Shepherd Catering Limited v Nairobi Holdings Limited & 2 others (Environment & Land Case 359 of 2004) [2024] KEELC 1350 (KLR) (12 March 2024) (Ruling)

Neutral citation: [2024] KEELC 1350 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE 359 OF 2004**

**LN MBUGUA, J
MARCH 12, 2024**

BETWEEN

SHEPHERD CATERING LIMITED PLAINTIFF

AND

NAIROBI HOLDINGS LIMITED 1ST DEFENDANT

CHIEF LAND REGISTRAR OF TITLES 2ND DEFENDANT

STEEL SON LIMITED 3RD DEFENDANT

RULING

1. Before me is the application dated 14.11.2023 where advocates for the plaintiffs are seeking orders to cease acting. They contend that they have been on record for the plaintiffs since August 2014, but they have not been getting adequate instructions to prosecute the matter. They further contend that it has come to their attention that the plaintiff was dissolved and struck out of the Register of companies *vide* a gazette notice no. 7852.
2. The 3rd defendant has opposed the application *vide* the replying affidavit dated 5.12.2023 sworn by Joseph Muchoki, a principle officer of the 3rd defendant, in addition to filing grounds of opposition. The 3rd defendant contends that the purported dissolution of the plaintiff company was unlawful and was orchestrated by its director, one Salome Lenana. It is pointed out that the directors of the company namely Salome Wangechi and Alfred Lenana are the once whom the 3rd defendant had sought to join in these proceedings when they were lodging their counterclaim, but the move for joinder was opposed by the plaintiff. They seek to have the orders of 17.7.2023 disallowing the joinder of the directors vacated so as to bring the directors on board this suit.
3. I have considered all the arguments raised herein. Plaintiff's counsel contends that they have no instructions as the plaintiff company was dissolved. The issue of the dissolution of the company has been brought forth after the court had rendered a ruling dated 17.7.2023 disallowing the joinder of the



alleged directors of the plaintiff. That being the case, and in the interest of justice the court is inclined to allow the joinder of the named directors.

4. In the final analysis, the application dated 14.11.2023 is allowed with no orders as to costs; the orders given on 17.7.2023 disallowing the joinder of new parties is vacated, to this end, Salome Wangechi Wachira alias Salome Wangechi Lenana and Alfred Lenana Wambugu are hereby joined as defendants in the counterclaim; The Counterclaim is to be amended accordingly and to be served upon the new parties.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 12TH DAY OF MARCH, 2024
THROUGH MICROSOFT TEAMS.**

LUCY N. MBUGUA

JUDGE

In the presence of:-

Biko Angwenyi for Plaintiff

Kihara for 3rd Defendant and Plaintiff in Counterclaim

Court assistant: Judith

