



REPUBLIC OF KENYA



**KENYA LAW**  
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**Rai v Njoroge & 2 others (Land Case E279 of 2024)  
[2024] KEELC 7313 (KLR) (31 October 2024) (Ruling)**

Neutral citation: [2024] KEELC 7313 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI  
LAND CASE E279 OF 2024  
LN MBUGUA, J  
OCTOBER 31, 2024**

**BETWEEN**

**SAHI RAJESHWAR HARBANS RAI ..... PLAINTIFF**

**AND**

**FRANCIS NDUNGU NJOROGE ..... 1<sup>ST</sup> DEFENDANT**

**CHIEF LAND REGISTRAR ..... 2<sup>ND</sup> DEFENDANT**

**ATTORNEY GENERAL ..... 3<sup>RD</sup> DEFENDANT**

**RULING**

1. This suit is closely related to another case ELC 255 OF 2024 where the parties are Francis Ndungu Njoroge –vs- Sahi Rajeshwar Harbans Rai, The Chief Land Registrar and The Hon. Attorney General. In the said case, the plaintiff is asserting his claim of ownership to parcel L.R.3734/1032 (the suit property; while in the suit E279 OF 2024, where the parties are Sahi Rajeshwar Harbans Rai – vs- Francis Ndungu Njoroge, The Chief Land Registrar and The Hon. Attorney General, the plaintiff is similarly asserting a claim of ownership to the same property.
2. The plaintiff in the current matter prays that the two suits be consolidated, which prayer was not opposed by the 1<sup>st</sup> defendant. The 2<sup>nd</sup> and 3<sup>rd</sup> defendants contend that the plaintiff should file a counterclaim in the older case instead of filing another suit.
3. Should the two suits be consolidated? Consolidation of suits is done for the purpose of achieving the overriding objection of the *Civil Procedure Act*, that is, for the expeditious disposal of Civil disputes. The main purpose of consolidation of suits is to save costs, time and effort and to make the conduct of several actions more convenient by treating them as one action. See - *Selecta Kenya Gmbh & Co. KG v Chase Bank Kenya Limited & 2 others* [2018] eKLR.



4. I therefore pose the question, what is the basis of filing another suit when the claim of ownership can be articulated in one suit. After all, the two competing claimants are Sahi Rajeshwar Harbans Rai and Francis Njoroge, while the Chief Land Registrar and the Attorney General are common parties in both suits.

5. In a Uganda case of *Nyanza Garage v Attorney General* cited in *Republic v Paul Kihara Kariuki, Attorney General & 2 Others Ex Parte Law Society of Kenya* [2020] eKLR, it was stated that;

“In the interest of parties and the system of administration of justice, multiplicity of suits between the same parties and over the same subject matter is to be avoided. It is in the interest of the parties because the parties are kept at a minimum both in terms of time and money spent on a matter that could be resolved in one suit. Secondly, a multiplicity of suits clogs the wheels of justice, holding up resources that would be available to fresh matters, and creating and or adding to the backlog of cases courts have to deal with. Parties would be well advised to avoid a multiplicity of suits.”

6. I find that the filing of this suit right after the other case E255 of 2024 amounts to an abuse of the court’s processes. The plaintiff herein ought to articulate their claim by way of a counterclaim in the older suit. In the circumstances, this suit is hereby struck off with no orders as to costs. Any orders given herein are hereby discharged.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 31<sup>ST</sup> DAY OF OCTOBER, 2024 THROUGH MICROSOFT TEAMS.**

**LUCY N. MBUGUA**

**JUDGE**

**In the presence of:-**

Steve Ogolla for Plaintiff

M/s Njue for 1<sup>st</sup> Defendant

Allan Kamau for 2<sup>nd</sup> and 3<sup>rd</sup> Defendant

Court Assistant: Vena

