



Mukoma (Suing on his own Behalf as a Beneficiary of the Estate of the Late Mukoma Wa Njiiri) v National Land Commission & another; Kamunya & another (Proposed Interested Parties) (Environment and Land Miscellaneous Application 187 of 2015) [2023] KEELC 294 (KLR) (26 January 2023) (Ruling)

Neutral citation: [2023] KEELC 294 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT AND LAND MISCELLANEOUS APPLICATION 187 OF 2015
JO MBOYA, J
JANUARY 26, 2023**

BETWEEN

JAMES GITHANWA MUKOMA (SUING ON HIS OWN BEHALF AS A BENEFICIARY OF THE ESTATE OF THE LATE MUKOMA WA NJIIRI) PLAINTIFF

AND

**NATIONAL LAND COMMISSION 1ST DEFENDANT
MINISTRY OF LAND, HOUSING AND URBAN DEVELOPMENT ... 2ND DEFENDANT**

AND

**JIMNAH NJUGUNA KAMUNYA PROPOSED INTERESTED PARTY
PETER MBURU KARIUKI PROPOSED INTERESTED PARTY**

RULING

1. The Ruling herein relates to and is in respect of two Applications, namely, the Application dated the February 25, 2022; and the application dated the July 13, 2022, respectively.
2. For the avoidance of doubt, the application dated the February 25, 2022, has been filed and mounted by the 1st and 2nd proposed Interested Parties.
3. For coherence, same has sought for the following Reliefs;
 - i.Spent.
 - ii. That the Applicants be enjoined in this suit as interested parties.



- iii. That pending hearing of this Application Inter Parties this Honorable Court be pleased to issue a stay of execution of the Judgment delivered in this suit.
 - iv. Those pending hearings of this Application Inter Parties, this Honorable court be pleased to issue Interim orders of Injunction restraining the Respondents from Evicting the Applicants from the suit property.
 - v. That Cost be in the cause.
4. Suffice it to point out that the named application is premised and anchored on the various grounds which have been enumerated in the body thereof. Besides, the said application is supported by the affidavit of one, namely, Jimna Njuguna Kamonya, sworn on even date.
 5. Upon being served with the said application, the Plaintiff/Respondent herein filed a Replying affidavit sworn on the June 30, 2022 and in respect of which same has annexed various documents in support thereof.
 6. The second application is dated the July 13, 2022 and same seeks similar reliefs as the ones which have been enumerated in terms of paragraph 2 herein. However, the same has been filed by another set of persons, totaling 7 in number and who are also seeking to be joined into the subject proceedings.
 7. It is imperative to point out that the second application herein has also contained and alluded to various grounds, which are enumerated at the foot thereof.
 8. Other than the foregoing, the said application is supported by the affidavit of one, namely, Mburu Karanja Francis. For clarity, the supporting affidavit is sworn on even date.
 9. Upon being served with the latter application, the Plaintiff/Respondent filed a Replying affidavit sworn on the November 25, 2022 and in respect of which same has raised various issues, inter-alia, that the proposed admission of the Interested Parties shall be an act in vanity and futility.
 10. Suffice it to point out that the two applications came up for mention on the November 14, 2022 and on which date the Advocates for the Parties agreed, inter alia, to have the two applications heard together and to ventilate and canvass the applications vide written submissions.
 11. Pursuant to and in line with the agreement,(details in terms of the preceding paragraph), the court proceeded to and directed that the written submissions be filed and exchanged between the advocates.
 12. For coherence, the Advocates for the respective Parties thereafter proceeded to and indeed filed their respective written submissions. For completeness, the respective submissions form part and parcel of the record of the Court.

Submissions By The Parties:

a.Interested Parties Submissions

13. The 1st and 2nd proposed Interested Parties filed their written submissions and same have highlighted two issues for consideration by the court. Firstly, counsel for the 1st and 2nd proposed Interested parties have submitted that the named Interested Parties had previously filed and lodged an application dated the May 24, 2021 wherein same had sought inter-alia, to be admitted as Interested Parties in the matter.
14. Furthermore, counsel has added that the said application, which had hitherto been filed by the 1st and 2nd proposed Interested Parties, was indeed ventilated before the court and disposed of vide ruling rendered on the November 11, 2021.



15. For coherence, counsel has admitted and acknowledged that the previous application was dismissed by the Honourable court on the basis of various reasons which were articulated therein.
16. Secondly, learned counsel for the 1st and 2nd proposed Interested Parties has submitted that following the delivery of the Ruling rendered on the 11th November 2021, the 1st and 2nd proposed Interested Parties felt aggrieved and dissatisfied.
17. To this end, counsel for the named parties has therefore contended that the said 1st and 2nd proposed Interested Parties thereafter proceeded to and filed a Notice of Appeal to the Court of Appeal. For the avoidance of doubt, learned counsel for the 1st and 2nd Interested Parties conceded that the Notice of Appeal remains alive and has not been withdrawn or otherwise dealt with.
18. Additionally, learned counsel for the 1st and 2nd proposed Interested Parties has also submitted that the named 1st and 2nd proposed Interested Parties are indeed the registered proprietors and owners of L.R No. Limuru/ Kamirithu/ 201, which is the suit property.
19. Given that the 1st and 2nd Proposed Interested Parties are the registered owners of the suit property, Learned counsel contended that same therefore have a legitimate interests in the subject suit and by extension, in respect of the suit property.
20. Premised on the foregoing submissions, counsel for the 1st and 2nd proposed Interested Parties has therefore implored the Honourable court to find and hold that the named Parties have a stake and identifiable interest in the instant suit and thus warranting being joined in the matter.
21. On behalf of the 3rd to 7th proposed Interested Parties, learned counsel submitted that the named Parties are indeed the registered owners of the suit property, namely, Limuru/Kamirithu/201.
22. In any event, Learned Counsel has added that the named proposed Interested Parties applied to be allocated and were indeed allocated a portion of the suit property and which portion was thereafter excised from the suit property.
23. On the other hand, counsel has further submitted that upon excision of a portion of the suit property, same was placed under their custody. In this regard, the said Interested Parties have contended that the resultant plot was/ is LR. NO. Limuru/ Kamirithu/480.
24. Furthermore, counsel has contended that the 3rd to 7th proposed Interested Parties have been in occupation of the suit property and thus, same have acquired lawful and legitimate rights thereto.
25. In view of the foregoing submissions, counsel to the 3rd to the 7th proposed Interested Parties have therefore implored the Honourable court to find and hold that same are indeed entitled to joinder in respect of the subject matter.

b.Plaintiff's/respondent's Submissions

26. On behalf of the Plaintiff/Respondent, counsel has identified, highlighted and canvassed three issues for consideration and determination.
27. First and foremost, counsel for the Respondent has submitted that the 1st and 2nd proposed Interested Parties had previously filed an application dated the May 24, 2021 which raised similar issues and which was heard and determined vide ruling rendered on the November 11, 2021.
28. Additionally, learned counsel for the Respondent submitted that in the course of the ruling which was delivered on the November 11, 2021, the Honourable court found and held that the 1st and 2nd



- proposed Interested Parties had not established any identifiable rights or interests in respect of the suit property.
29. In any event, counsel further added that the 1st and 2nd proposed Interested Parties have contended that same are the registered owners of L.R No. Limuru/Kamirithu/480, which is separate and distinct from the suit property.
 30. Nevertheless, counsel for the Respondent has contended that having previously filed a similar application, the current application constitutes an abuse of the Due process of the Court and is therefore barred by the Doctrine of Res-Judicata.
 31. Secondly, counsel for the Respondent has submitted that the subject suit was heard and determined vide judgment rendered on the 12th September 2018. In this regard, counsel reiterated that the subject suit stands determined and concluded.
 32. Be that as it may, counsel further submitted that despite the fact that the suit is duly concluded and hence finalized, the 1st and 2nd proposed Interested Parties are nevertheless seeking to be admitted as such.
 33. Premised on the foregoing, learned counsel has submitted that it is neither possible nor legally tenable to admit a Party as an Interested Party or otherwise, to a suit which has been concluded and finalized.
 34. In a nutshell, counsel added that to the extent that the suit has been heard and finalized, the addition/inclusion of the proposed Interested Parties would be an act in vanity and futility.
 35. Lastly, learned counsel for the Respondent has submitted that the proposed Interested Parties have laid a claim to and in respect of L.R No. Limuru/Kamirithu/480, which is separate and distinct from the suit property.
 36. Consequently and to the extent that the proposed Interested Parties claim relates to a separate and distinct property, counsel has submitted that the proposed interested parties therefore have no identifiable stake or claim in respect of the subject dispute.
 37. Based on the foregoing, Learned counsel has therefore invited the court to find and hold that the two applications are otherwise an abuse of the due process of the court.
 38. In short, the Plaintiff/Respondent has implored and invited the Honourable court to dismiss the two named applications.

Issues For Determination

39. Having evaluated and analyzed the two named Applications, the supporting affidavits, as well as the Replying affidavits, filed in opposition thereto, and upon considering the written submissions filed by the Parties, the following issues do arise and are thus pertinent for due consideration and determination;
 - i. Whether the Application dated the 25th February 2022, is barred by the Doctrine of Res-judicata and by extension Section 7 of the [Civil Procedure Act](#).
 - ii. Whether the proposed Interested Parties can legally be joined and admitted as Interested Parties in respect of a concluded and determined suit.
 - iii. Whether the Proposed Interested Parties have any identifiable stake or claim in respect of the suit property to warrant (sic) Joinder.



Analysis And Determination

Issue Number 1

Whether the Application dated the February 25, 2022, is barred by the Doctrine of Res-judicata and by extension Section 7 of the *Civil Procedure Act*.

40. It is common ground that the 1st and 2nd proposed interested parties had hitherto filed and mounted an application dated the May 24, 2021 and in respect of which same sought inter-alia, orders for their admission as interested parties and setting aside of the Judgment rendered on the September 12, 2018.
41. There is also no gainsaying that the said application was heard and disposed of vide ruling rendered on the November 11, 2021, wherein the court proceeded to and dismissed the entire application.
42. In the course of dismissing the previous application, the court made various observations, whose details are enumerated vide paragraphs 55 to 59 thereof.
43. For coherence, the court stated and observed as hereunder;
 55. Before a court of law can admit and joined a Party to a suit as an interested party, it behooves the party seeking admission and/or joinder, to lay before the honourable court sufficient evidence and/or basis and to establish a nexus with the issues in the suit/case in respect of which same seeks to be joined.
 55. In support of the foregoing position, I subscribe to the decision in the case of Shivling Supermarket Limited Vs Jimmy Ondicho Nyabuti and 2 others (2018) eKLR the court observed as follows:

“The test in applications for joinder is firstly, whether an applicant can demonstrate he has an identifiable interest in the subject matter in the litigation though the interest need not be such interest as must succeed at the end of the trial. Secondly, and in the alternative it must be shown that the applicant is a necessary party whose presence is necessary in order to enable the court to effectually and completely adjudicate upon and settle all questions involved in the suit...”
 55. Premised on the foregoing decision, it becomes apparent that before a party is admitted as interested party, there must be evidence of an identifiable nay tangible Interests. In respect of the instant matter, the interested parties have contended that same are the lawful owners of the suit property and thus the basis upon which they have made the subject Application.
 55. However, it must be noted that the suit property herein is known as L.R No. Limuru/Kamirithu/201, yet the letters that have been exhibited by the interested parties as well as the certificate of lease, upon which same anchor their claim relates to a separate and distinct title, namely, Limuru/Town/480 and not the suit property.
 55. On the other hand, the Interested parties herein, have also contended that their interest in the subject property, which they say was allocated unto same, is because they have been in adverse possession thereof for more than 24 years.



44. From the paragraphs which have been reproduced herein before, it is evident and apparent that the court duly considered the nature and interests that the 1st and 2nd proposed interested parties have in the suit property or otherwise.
45. It is also imperative to observe that the court thereafter proceeded to and analyzed the claim on behalf of the named parties and thereafter the court came to the conclusion that no scintilla or iota of interests had been established and shown.
46. For the avoidance of doubt, the court proceeded to and dismissed the application dated the May 24, 2021.
47. Other than the foregoing, there is also no gainsaying that the 1st and 2nd proposed Interested Parties thereafter filed lodged a Notice of Appeal and thus signaling their desire/intention to appeal to the court of appeal.
48. Suffice it to point out that the Notice of appeal which was filed by and on behalf of the 1st and 2nd proposed interested parties remains alive and hence there is a subsisting appeal pending before the court of appeal.
49. The foregoing aside, what is paramount and important is that the court herein is being re-invited to deal with and handle a similar matter, which the court had hitherto dealt with and disposed of.
50. To my mind, the instant application, mounted by and on behalf of the 1st and 2nd proposed interested parties is not only an abuse of the Due process of the Court, but is also prohibited by dint of Section 7 of the [Civil procedure Act](#) Chapter 21 Laws of Kenya.
51. To amplify the import, tenor and scope of the doctrine of Res-judicata, it is imperative to take cognizance of the holding of the Court of Appeal in the case of Kenya Commercial Bank Limited versus Benjo Amalgamated Limited (2017) eklr, where the Court of Appeal observed as hereunder;

“To our mind, there is no better case in which the Court ought to invoke the doctrine of constructive res judicata than in the present appeals. Constructive res judicata is broader and encompasses all the issues in a dispute which, a party employing due diligence ought to have raised for consideration. To allow Benjoh to relitigate, re-agitate and re-cavass any issues, no matter how crafted or the legal ingenuity and sophistry employed and in spite of the plethora of cases already conclusively determined by competent courts on the question of accounts, would be tantamount to throwing mud on the doctrine of res judicata and allow a travesty of justice to be committed to a party. The specific issue the respondent raises of rendering true and proper accounts to a customer’s accounts, has been or could have been raised before the High Court in the previous suits.

The history of this matter shows a vexatious litigant who in spite of having lost all the fourteen cases and despite the costs involved is still willing to further subject KCB and Bidii to ceaseless litigation. Justice demands that a successful party in litigation be allowed to enjoy the fruits of its litigation. It is time the respondent accepted the inevitable despite the consequences such a possibility portends to it and stops further litigation on this long running dispute which has all been about KCB’s exercise of its statutory power of sale and accounts. To open up any further litigation would complicate matters as they stand and goes against the pursuit of finality in this dispute”.

52. In a nutshell and taking into account the issues that have been alluded to in the preceding paragraphs, the application dated the 25th February 2022, is certainly misconceived and stillborn.



Issue Number 2

Whether the Proposed Interested Parties can legally be joined and admitted as Interested Parties in respect of a concluded and determined suit.

53. The proposed interested parties herein have sought to be joined and admitted as such in respect of the instant suit.
54. Nevertheless, it is common ground that the suit herein was heard and concluded vide Judgment rendered on the September 12, 2018.
55. In any event, it is also imperative to observe that despite seeking to be joined and admitted as Interested Parties, the proposed Interested Parties herein have neither sought for nor prayed for any substantive relief or at all.
56. In addition, it is worthy to note that though the Proposed Interested Parties are seeking to be joined into the matter, same have however, not sought any order to impugn or impeach the Judgment rendered on the 12th September 2018.
57. Be that as it may, the question that requires to be addressed and resolved is whether a Party can be admitted either as a Defendant or as an Interested Party to a suit that has hitherto been concluded and finalized.
58. Prior to and or before endeavoring to address the question herein, it is imperative to reproduce the provisions of Order 1 Rule 10(2) of the Civil Procedure Rules.
59. For ease of reference, same is reproduced as hereunder;

10. Substitution and addition of parties [Order 1, rule 10.]

(1) Where a suit has been instituted in the name of the wrong persons as plaintiff, or where it is doubtful whether it has been instituted in the name of the right plaintiff, the court may at any stage of the suit, if satisfied that the suit has been instituted through a bona fide mistake, and that it is necessary for the determination of the real matter in dispute to do so, order any other person to be substituted or added as plaintiff upon such terms as the court thinks fit.

2 The court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the court to be just, order that the name of any party improperly joined, whether as plaintiff or defendant, be struck out, and that the name of any person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the court may be necessary in order to enable the court effectually and completely to adjudicate upon and settle all questions involved in the suit, be added.

Where a suit has been instituted in the name of the wrong persons as plaintiff, or where it is doubtful whether it has been instituted in the name of the right plaintiff, the court may at any stage of the suit, if satisfied that the suit has been instituted through a bona fide mistake, and that it is necessary for the determination of the real matter in dispute to do so, order any other person to be substituted or added as plaintiff upon such terms as the court thinks fit.

The court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the court to be just, order that the



name of any party improperly joined, whether as plaintiff or defendant, be struck out, and that the name of any person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the court may be necessary in order to enable the court effectually and completely to adjudicate upon and settle all questions involved in the suit, be added.

60. My reading of the said provisions drives me to the conclusion that the admission or joinder of an Intended Party (whether an interested or necessary party) is to enable the court to effectually and completely adjudicate upon and settle all question that are involved in the suit.
61. Clearly, prior to and before the admission/joinder of any necessary/interested party, there must be an existing suit in respect of which there are pending/outstanding issues or questions for hearing and determination in the conventional manner.
62. For clarity, the reason why the joinder shall be made or directed by the Honourable Court, is to enable the Court to adjudicate upon and determine the issues in controversy. Clearly, the existence of pending issues, is a pre- condition to the joinder of a Party, to enable same participate and help the Honourable Court in the Discharge of her mandate to determine the issue in controversy.
63. Arising from the foregoing, it is my humble albeit considered view that a Joinder of a Party, either as a necessary or Interested party, cannot therefore be undertaken once a suit has been concluded and finalized.
64. In a such a scenario, the admission and Joinder of the necessary/Interested Party, would certainly be an act in futility and vanity.
65. To vindicate the foregoing observation, it is appropriate to draw inspiration from the holding of the Court of Appeal in the case of JMK versus MWM & Another (2015)eKLR, where the court held as hereunder;

“We would however agree with the respondent that Order 1 Rule (10)(2) contemplates an application for amendment or joinder of parties where proceedings are still pending before the Court. Sarkar’s Code, (supra) quoting as authority, decisions of Indian Courts on the provision, expresses the view that an application for joinder of parties can be filed only in pending proceedings. In the same vein, the Court of Appeal of Tanzania, while considering the equivalent of Order 1 Rule 10(2) of our Civil Procedure Rules, in Tang Gas Distributors Ltd V. Said & Others [2014] EA 448, stated that the power of the court to add a party to proceedings can be exercised at any stage of the proceedings; that a party can be joined even without applying; that the joinder may be done either before, or during the trial; that it can be done even after judgment where damages are yet to be assessed; that it is only when a suit or proceeding has been finally disposed of and there is nothing more to be done that the rule becomes inapplicable; and that a party can even be added at the appellate stage.
66. To the extent that the proposed Interested parties are merely seeking to be joined and admitted as interested parties, albeit without more, it is impossible to discern or decipher what would be the purpose of the intended joinder.
67. Premised on the foregoing, I am afraid that the proposed joinder would be an act in futility and thus constitute abuse of the court process. In this regard, it is appropriate to state that Courts do not make orders for cosmetic purposes.



Issue Number 3

Whether the Proposed Interested Parties have any Identifiable stake or claim in respect of the suit property to warrant (sic) joinder.

68. Other than the fact that the instant suit, has since been heard and determined, there is yet another critical issue that merits to be addressed.
69. In this respect, it suffices to point out that the proposed Interested Parties claim touches on and concerns L.R No. Limuru/Kamirithu/480 and not the suit property.
70. Despite the evident and apparent distinction between the two named properties, the proposed Interested Parties are still intent on meddling with the subject suit.
71. In my humble view, if the proposed interested party claims was in respect of the suit property, then same would have a basis, (subject to compliance with Order 1 Rule 10(2) of the Civil Procedure Rules, 2010), to seek for joinder.
72. In any event, there is no gainsaying that prior to and before any person/litigant (the proposed interested parties not excepted), is joined in any proceedings, same must exhibit and demonstrate the existence of an identifiable claim, stake or interests in the suit or suit property.
73. Clearly, in the absence of an identifiable interests or stake, no party can be joined or admitted in a suit, whether as a necessary/interested party or otherwise.
74. To underscore the foregoing observation, it suffices to adopt, restate and reiterate the elaborate exposition of the law vide the holding in the case of Francis Kariuki Muruatetu & another versus Republic & 5 others [2016] eKLR, where the Supreme court of Kenya held as hereunder;

(33) These legal provisions have been considered by the Court in *Trusted Society of Human Rights Alliance v. Mumo Matemu & 5 Others*, Supreme Court Petition No. 12 of 2013, [2014] eKLR (an application by the Law Society of Kenya). In this case, the Law Society of Kenya (LSK) sought to be enjoined in the proceedings as an interested party, but leave was denied. The Court observed that [paragraphs 13-15]:

“[13] While the Rules have a definition of who an amicus is, there is no definition attributed to ‘Intervener’ or ‘Interested Party’. However, from Rule 25 above, one is allowed to apply to be enjoined any time in the course of the proceedings.

“[14] Black’s Law Dictionary, 9th Edition, defines “intervener” (at page 897) thus:

“One who voluntarily enters a pending lawsuit because of a personal stake in it”

and defines ‘Interested Party’ (at p.1232) thus:

“A party who has a recognizable stake (and therefore standing) in a matter”.

“[15] On the other hand, an amicus is defined in Black’s Law Dictionary thus:

‘A person who is not a party to a lawsuit but who petitions the court or is requested by the court to file a brief in the action because that person has a strong interest in the subject matter’.”



(34) With that definition of “interested party,” the Court proceeded to hold further [paragraphs 17-18]:

“[17] Suffice it to say that while an interested party has a ‘stake/interest’ directly in the case, an amicus’s interest is its ‘fidelity’ to the law: that an informed decision is reached by the Court having taken into account all relevant laws, and entertained legal arguments and principles brought to light in the Courtroom.

“[18] Consequently, an interested party is one who has a stake in the proceedings, though he or she was not party to the cause ab initio. He or she is one who will be affected by the decision of the Court when it is made, either way. Such a person feels that his or her interest will not be well articulated unless he himself or she herself appears in the proceedings, and champions his or her cause...”

(35) This Supreme Court decision was cited by the High Court in *Judicial Service Commission v. Speaker of The National Assembly & 8 Others*, [2014]eKLR. The High Court also cited the definition of ‘interested party’ in: [*The Constitution of Kenya \(Protection of Rights and Fundamental Freedoms\) Practice and Procedure Rules, 2013*](#) (hereafter the “Mutunga Rules”) thus:

“Rule 2 of the Mutunga Rules defines an interested party as a person or entity that has an identifiable stake or legal interest or duty in the proceedings before the Court, but is not a party to the proceedings or may not be directly involved in the litigation.”

(36) Once again in the said High Court matter, the LSK was denied admission as an interested party because, in the perception of the Court, it could not show an identifiable stake in the matter or in its outcome, or what prejudice it would suffer if not enjoined as a party.

(37) From the foregoing legal provisions, and from the case law, the following elements emerge as applicable where a party seeks to be enjoined in proceedings as an interested party:

One must move the Court by way of a formal application. Enjoinment is not as of right, but is at the discretion of the Court; hence, sufficient grounds must be laid before the Court, on the basis of the following elements:

- i. The personal interest or stake that the party has in the matter must be set out in the application. The interest must be clearly identifiable and must be proximate enough, to stand apart from anything that is merely peripheral.
- ii. The prejudice to be suffered by the intended interested party in case of non-joinder, must also be demonstrated to the satisfaction of the Court. It must also be clearly outlined and not something remote.
- iii. Lastly, a party must, in its application, set out the case and/or submissions it intends to make before the Court, and demonstrate the relevance of those submissions. It should also demonstrate that these submissions are not merely a replication of what the other parties will be making before the Court.

75. In a nutshell, the proposed interested parties herein have neither shown nor established any proximate claim, interest and stake in respect of the suit property and by extension the suit herein to warrant the intended joinder.



76. In the premises, it is my finding and holding that in the absence of such interest, which must clearly be delineated and underlined in the application, no joinder can be decreed, whatsoever.

Final Disposition

77. In the course of considering the various perspectives that were outlined herein before, I have come to the conclusion that the proposed Interested Parties have neither shown nor established any proximate interest, stake or claim to the suit and by extension the suit property.

78. Additionally, it also became evident that the 1st and 2nd proposed Interested parties, appear to be playing lottery with the due process of the court. For clarity, same were trying their luck for a second time, insofar as a previous application seeking similar orders had been dismissed vide ruling rendered on the November 11, 2021.

79. In view of the foregoing considerations, the Applications dated February 25, 2022 and July 13, 2022, respectively, are devoid and bereft of merits. Consequently same be and are hereby dismissed with costs to the Plaintiff/Respondent.

80. It is so ordered.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 26TH DAY OF JANUARY 2023.

HON. JUSTICE OGUTTU MBOYA,

JUDGE,

In the Presence of;

Benson Court Assistant

Mr. Ndirangu h/b for Gachie for the 1st and 2nd proposed interested party/applicant

N/A for the 3rd to 7th proposed Interested Parties.

Ms Wambua h/b Mr. J. M Njenga for the Plaintiff/Respondent

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