



REPUBLIC OF KENYA



KENYA LAW
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Muchori & 29 others v NCBA Bank Kenya PLC & another (Environment & Land Case E112 of 2022) [2023] KEELC 15803 (KLR) (23 February 2023) (Directions)

Neutral citation: [2023] KEELC 15803 (KLR)

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT THIKA

ENVIRONMENT & LAND CASE E112 OF 2022

JG KEMEI, J

FEBRUARY 23, 2023

IN THE MATTER OF LAND REFERENCE NO 10823/5793 (ORIGINAL NO 10823/53/1

AT JUJA

AND

**IN THE MATTER OF STATUTORY NOTICE ATO SELL UNDER SECTION 96(2)
OF THE LAND ACT, 2012 IN RESPECT OF REPLACEMENT LEGAL CHARGE
OVER LAND REFERENCE ORIGINAL NUMBER 10823/5793 IN THE NAME OF
YES HOUSING, CO-OPERATIVE SOCIETY LIMITED (BORROWER) DATED 24TH
AUGUST, 2022**

BETWEEN

STEPHEN MAINA MUCHORI 1ST PLAINTIFF
CATHERINE MACHIRA 2ND PLAINTIFF
PAUL KIMATA 3RD PLAINTIFF
INNO ODIRA 4TH PLAINTIFF
ELIZABETH WANGECI 5TH PLAINTIFF
THAMANI MWANUDU 6TH PLAINTIFF
ZAWADI N. WESONGA 7TH PLAINTIFF
SOLOMON KAHORO 8TH PLAINTIFF
PETERSON MWAI 9TH PLAINTIFF
BEDAN M KARIUKI 10TH PLAINTIFF
ALVIN NDUTHA 11TH PLAINTIFF



WINNIE WAGITHI MWAI	12 TH PLAINTIFF
PETER WAITHAKA KIHARA	13 TH PLAINTIFF
RICHARD WERE	14 TH PLAINTIFF
JOHN MUCHIRI NJOGU	15 TH PLAINTIFF
NALA INVESTMENT GROUP	16 TH PLAINTIFF
JOHN KIMANI	17 TH PLAINTIFF
DEVIS ONGUBO	18 TH PLAINTIFF
TERESIAH THUO	19 TH PLAINTIFF
MARYSTELLA NJERI	20 TH PLAINTIFF
NEWTON MWANGI	21 ST PLAINTIFF
EDWARD OPIL	22 ND PLAINTIFF
ELLYN NYAMBURA	23 RD PLAINTIFF
GILBERT NG'ETICH	24 TH PLAINTIFF
RICKY MBOGO	25 TH PLAINTIFF
PERIS WAITHERERO	26 TH PLAINTIFF
SELLAH MUYALA	27 TH PLAINTIFF
GILBERT NG'ETICH	28 TH PLAINTIFF
ARTHUR KINYANJUI	29 TH PLAINTIFF
RICKY MBOGO MURIITHI	30 TH PLAINTIFF

AND

NCBA BANK KENYA PLC	1 ST DEFENDANT
YES HOUSING SACCO	2 ND DEFENDANT

DIRECTIONS

1. This matter came up on the October 19, 2022 when the court directed the parties to address it on the issue of Jurisdiction. The parties elected to file written submissions.
2. I note from the record that the parties failed to comply with the directions of the court nor file written submissions. On perusal of the matter, I note that it involves charges and mortgages and going by the court of Appeal decision in *Co-operative Bank of Kenya Limited vs. Patrick Kangethe Njuguna & 5 others* [2017]eKLR. I direct that the file be transferred to the High Court Kiambu for hearing and determination.

DELIVERED, DATED AND SIGNED AT THIKA THIS 23RD DAY OF FEBRUARY, 2023 VIA MICROSOFT TEAMS.

J G KEMEI



JUDGE

Delivered online in the presence of;

Mogaka for 1st – 30th Plaintiffs/Applicants

Kiprotich HB Ms. Kiima for 1st Defendant/Respondent

2nd Defendant/Respondent – Absent

Court Assistants – Esther / Kevin

