



Case Number:	Environment and Land Case 88 of 2013
Date Delivered:	22 Sep 2017
Case Class:	Civil
Court:	High Court at Nairobi (Milimani Law Courts)
Case Action:	Ruling
Judge:	Mary Muthoni Gitumbi
Citation:	Kimani Mwangi & another v Bernard Kungu Maina & another [2017] eKLR
Advocates:	-
Case Summary:	-
Court Division:	Land and Environment
History Magistrates:	-
County:	Nairobi
Docket Number:	-
History Docket Number:	-
Case Outcome:	Application allowed
History County:	-
Representation By Advocates:	-
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-
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REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT NAIROBI

MILIMANI LAW COURTS

ELC. CASE NO. 88 OF 2013

KIMANI MWANGI.....1ST PLAINTIFF

LABAN TOLE MWAIENGO.....2ND PLAINTIFF

VERSUS

BERNARD KUNGU MAINA (Chairman).....1ST DEFENDANT

PERMINUS NJOROGE (Secretary).....2ND DEFENDANT

(for and behalf of KAMUTHI FARMERS CO-OPERATIVE SOCIETY)

RULING

The application before me is Notice of Motion dated 21st January 2015 seeking for the consolidation of this suit with ELC. NO. 431 of 2008 or in the alternative that this suit be stayed pending the hearing and determination of ELC. 431 of 2008.

Upon perusal of the court file for ELC. 431 of 2008, I have discovered that the Defendants filed the exact same application Notice of Motion dated 21st January 2015 in ELC. No. 431 of 2008. The Plaintiff in ELC. No. 431 of 2008 indicated to the court on 27th May 2013 that they do not oppose that application and the court proceeded to allow that application on the same date.

Accordingly, the application before the court in this instant suit was already allowed on 27th May 2013. The two cases are consolidated and the court is at liberty to give directions on pre-trial. For the avoidance of doubt, the lead file shall be ELC. 431 OF 2008.

DELIVERED, DATED AND SIGNED AT NAIROBI THIS 22ND DAY OF SEPTEMBER 2017.

MARY M. GITUMBI

JUDGE



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