



Case Number:	Environment and Land Case 46 of 2020
Date Delivered:	08 Feb 2022
Case Class:	Civil
Court:	Environment and Land Court at Nairobi
Case Action:	Ruling
Judge:	Lucy Ngima Mbugua
Citation:	EpcO Builders Limited v Nairobi City Water & Sewerage Company & 3 others [2021] eKLR
Advocates:	-
Case Summary:	-
Court Division:	Environment and Land
History Magistrates:	-
County:	Nairobi
Docket Number:	-
History Docket Number:	-
Case Outcome:	-
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

ELC CASE NO. 46 OF 2020

EPCO BUILDERS LIMITED.....PLAINTIFF

VERSUS

NAIROBI CITY WATER & SEWERAGE COMPANY.....1ST DEFENDANT

ATHI WATER WORKS DEVELOPMENT AGENCY.....2ND DEFENDANT

MINISTRY OF TRANSPORT, INFRASTRUCTURE,

HOUSING AND URBAN DEVELOPMENT.....3RD DEFENDANT

G. L. WILLIAMS LIMITED.....4TH DEFENDANT

RULING

1. The 3rd Defendant has stated that they have just come on record hence they seek 14 days to file their pleadings. Counsel for the Plaintiff however avers that he filed a request for judgment against 3rd & 4th Defendants dated 12.11.2021.

2. In rejoinder, counsel for 3rd Defendant avers that there is no claim for liquidated damages to warrant the request for judgment. I have perused the plaint and indeed there is no claim for liquidated damages.

3. In the case of **Peter Karanja Kamani v Isaac Mwangi Kimani(2018)eKLR**, the court held that:

“Under Order 10 Rules 4,6,9 and 10 of the Civil Procedure Rules Interlocutory judgment cannot issue in land matters unless the claim is accompanied by a prayer for pecuniary damages.”

4. In that regard, I find that the request for judgment made by the Plaintiff cannot be endorsed by this court.

5. I hereby invoke the court’s inherent jurisdiction under **Section 3A** of the **Civil Procedure Act** and I grant the 3rd & 4th Defendants 14 days to file and serve their pleadings.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 8TH DAY OF FEBRUARY, 2022 THROUGH MICROSOFT TEAMS.

LUCY N. MBUGUA

JUDGE

In the presence of:-

Oketch for the Plaintiff

A. Kamau for the Defendant

Court Assistant: Eddel Barasa



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