

KENYA / JUDGMENT

**Gilbert Gitari Bore & Omari Marijan Omari v
Kenya Urban Roads Authority, Administrator –
Chuka Township, County Government of Tharaka
Nithi & Hyper Constructions & Equipment
Company Ltd [2021] KEELC 2863 (KLR)**

[2021] KEELC 2863 (KLR)

COURT

Environment and Land Court

CASE / FILE NUMBER

Environment & Land Case 1 of 2020

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REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO. 1 OF 2020

GILBERT GITARI BORE.....1ST PLAINTIFF

OMARI MARIJAN OMARI.....2ND PLAINTIFF

VERSUS

KENYA URBAN ROADS AUTHORITY.....1ST DEFENDANT

THE ADMINISTRATOR – CHUKA TOWNSHIP.....2ND DEFENDANT

THE COUNTY GOVERNMENT OF THARAKA NITHI.....3RD DEFENDANT

HYPER CONSTRUCTIONS & EQUIPMENT

COMPANY LTD 4TH DEFENDANT

RULING

1. This matter came up for mention on 31st May, 2021 to confirm if or if not the AG had filed an application to set aside the Judgment delivered by the court on 13th October, 2020. On 12.5.2021, Mr. Kiongo, for the AG was granted 14 days to file the intended application.
2. Upon expiration of the 14 days granted to the AG, on 31st May, 2021, Ms. Mbogo asked the court to allow the plaintiffs to execute their Judgment. She said that as the 2nd and 3rd defendants with the consent of the Plaintiffs had pulled out of the case, the plaintiffs should be at liberty to execute this court's Judgment delivered on 13th October, 2020.

3. I do note that the Judgment delivered on 13th October, 2020 awarded costs to the plaintiffs against the defendants. However, as by consent the plaintiffs and the 2nd and 3rd defendants allowed the 2nd and 3rd defendants to be removed from the suit, costs will only be payable by the 1st and 4th defendants.
4. In the circumstances, the following orders are issued:
 - a) The plaintiffs are at liberty to execute the Judgment delivered on 13th October, 2020 as it has not been appealed against or set aside.
 - b) Costs are awarded to the plaintiffs against the 1st and 4th defendants.

DELIVERED IN OPEN COURT AT CHUKA THIS 16TH DAY OF JUNE, 2021 IN THE PRESENCE OF:

CA: Ndegwa

Kiongo for AG for 1st defendant.

P. M. NJOROGI,

JUDGE.

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ORIGINAL SOURCE <https://new.kenyalaw.org/akn/ke/judgment/keelc/2021/2863/eng@2021-06-16>

CASE PAGE <https://chat.esheria.ai/case-law/kenya/gilbert-gitari-bore-v-kenya-urban-roads-authority-judgment-execution-environment-and-land-court-2021>

Prepared on 25 October 2026 · Esheria