



REPUBLIC OF KENYA



**Abdirahman & another v Mole (Environment & Land Case 1 of 2019)  
[2023] KEELC 20309 (KLR) (28 September 2023) (Ruling)**

Neutral citation: [2023] KEELC 20309 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT MALINDI  
ENVIRONMENT & LAND CASE 1 OF 2019  
EK MAKORI, J  
SEPTEMBER 28, 2023**

**BETWEEN**

**ALI JUMA ABDIRAHMAN ..... 1<sup>ST</sup> PLAINTIFF**

**REHEMA CHARO MUNGUMBA ..... 2<sup>ND</sup> PLAINTIFF**

**AND**

**KADII KAINGU MOLE ..... DEFENDANT**

**RULING**

1. I have an application for review drafted and seeking orders from this court in this manner:
  - a) That the Honourable Court be pleased to review the Ruling dated the 22<sup>nd</sup> September 2022 by ordering the cancellation of the provisional title issued on 20<sup>th</sup> July 2018.
  - b) That costs of the application be provided for.
2. The Ruling by this court - Olola J was to this effect:-

“As it were Section 6 of the *Civil Procedure Act* bars this court from proceeding with this trial in which the matter in issue is in a previously instituted suit or proceedings between the same parties or parties under whom they or any of them claim, litigating under the same title.

In the circumstances herein I think it is only fair that these proceedings be stayed pending conclusion of the suit by the Plaintiff which appears to me to be capable of resolving the dispute herein. I so order”

3. The Judge simply stayed the current suit pending the determination of other matters filed which matters Mr. Mwadilo contended have been resolved. If resolved then the proper manner to proceed - if anything is pending in this suit is to take steps to conclude the current one. There is nothing to review.



4. The application dated 19<sup>th</sup> October 2022 is hereby dismissed. No order as to costs since it was not defended.

**DATED, SIGNED, AND DELIVERED AT MALINDI VIRTUALLY ON THIS 28<sup>TH</sup> DAY OF SEPTEMBER 2023 IN THE ABSENCE OF PARTIES WHO WERE NOTIFIED.**

**E. K. MAKORI**

**JUDGE**

