



REPUBLIC OF KENYA



**Farah & another v Adan & another (Environment & Land Case  
E229 of 2022) [2023] KEELC 20440 (KLR) (27 September 2023) (Ruling)**

Neutral citation: [2023] KEELC 20440 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI  
ENVIRONMENT & LAND CASE E229 OF 2022  
LN MBUGUA, J  
SEPTEMBER 27, 2023**

**BETWEEN**

**HUSSEIN AHMED FARAH ..... 1<sup>ST</sup> PLAINTIFF**

**HUSSEIN UNSHUR MOHAMED ..... 2<sup>ND</sup> PLAINTIFF**

**AND**

**YUSUF ABDI ADAN ..... 1<sup>ST</sup> DEFENDANT**

**MAHAMMED ABDIKADIR ADAN ..... 2<sup>ND</sup> DEFENDANT**

**RULING**

1. I have perused the record. I find that on 8.5.2023 the matter was before Judge Mwangi and the issue at hand concerned rent deposits. That is an issue which has been persistent from the infancy of the suit.
2. What counsel for 1<sup>st</sup> defendant informed the court is that they were trying to deposit rent for April. They never raised the issue of the sickness of the 1<sup>st</sup> defendant. They were however granted 14 days to file serve their documents. There was however no compliance.
3. The mater had a hearing date of 22.6.2023 but was also to be mentioned on 8.6.2023. On that day of 8.6.2023, counsel for 1<sup>st</sup> defendant made an application to file/serve their witness statements and documents. They were granted 7 days to do. There was again no mention of the ailment of the 1<sup>st</sup> defendant. There was also no compliance with the said orders.
4. The hearing date of 22.6.2023 was vacated and the matter was scheduled for hearing on 18.7.2023. Come this date and the counsel for 1<sup>st</sup> defendant did not in any way raise the issue about the sickness of the 1<sup>st</sup> defendant. They also never bothered to inform the court as to whether they had complied with Order II of the *Civil Procedure Rules*.



5. In the circumstances, I decline to grant a mention date. Instead, this matter shall be heard on priority basis in the month of October 2023. The 1<sup>st</sup> defendant's counsel shall get the priority of choosing a date in October even though the court's diary is on 26.2.2024.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 27<sup>TH</sup> DAY OF SEPTEMBER, 2023  
THROUGH MICROSOFT TEAMS.**

**LUCY N. MBUGUA**

**JUDGE**

