



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

COMMERCIAL & ADMIRALTY DIVISION

MILIMANI COMMERCIAL COURTS

SUIT NO. 329 OF 2003

MEHUBA GELAN KELIL

ISHA AWO SHARRIF

TOWHICA AWO SHARRIF administrators of the estate of

AWO SHARIFF MOHAMED.....APPLICANTS

VS

ABDULKADIR SHARIF ABDIRAHMAN.....RESPONDENTS

RAHMA ALI GODANA.....PURCHASER

DIRECTONS

1. Rahma Ali Godana (the Applicant) herein has through Counsel filed submissions dated 12th September 2018 in support of her Application of 7th April, 2015. She concludes:-

“In conclusion the Purchaser/Applicant prays that in the interest of justice, fairness and equity this Honourable Court declares null and void the transfer of MARSABIT COUNCIL PLOT GRANT IR NO. 4860 LR NO. 11969/42 and MARSABIT COUNCIL PLOT GRANT IR NO. 5150 LR NO. 11969/258 in favour of Sasa General Investment Limited and Timescom Enterprises Limited on 25th July 2008 and further grant the Prayers as sought in the Purchaser/Applicants application dated 7th April, 2015”.

2. If this Court were to grant the Applicant her way, then it would affect the interests, however weak they may be of Sasa General Investment Limited and Timescom Enterprises Limited over LR. No.11969/42 and 11969/258 respectively. Whilst the Applicant argues that the two acquired the properties inspite of the Prohibitory Orders made herein and in violation of the Doctrine of *lis pendens* and that interest they have acquired ought to be easily defeated, no Court of Law should issue any adverse Orders against any party before granting him/her/it an opportunity of being heard.

3. I therefore direct that Sasa General Investment Limited and Timescon Enterprise Limited be served with the application of 7th April, 2015 and the same be set down again for hearing.

Dated, Signed and Delivered in Court at Nairobi this 25th day of January, 2019.

.....

F. TUIYOTT

JUDGE

PRESENT:-

Ahomo for Issa Purchaser/ Applicant

Mbuya for Mwenesi for Respondent

Nixon – Court Assistant