



**Salim v Petro Soko (K) Limited (Environment & Land Case  
E085 of 2024) [2025] KEELC 3474 (KLR) (29 April 2025) (Ruling)**

Neutral citation: [2025] KEELC 3474 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT MALINDI  
ENVIRONMENT & LAND CASE E085 OF 2024**

**FM NJOROGE, J**

**APRIL 29, 2025**

**BETWEEN**

**ASHA KAMENE SALIM ..... PLAINTIFF**

**AND**

**PETRO SOKO (K) LIMITED ..... DEFENDANT**

**RULING**

1. This ruling is in respect of joinder application dated 12<sup>th</sup> March 2025. In the prayers, Ecobank Kenya Limited seeks to be joined as an interested party to the present suit.
2. The basis on which the application is made is that Ecobank Kenya Ltd holds a registered charge over the suit properties for a loan facility issued to the defendant. It is averred that the applicant advanced the defendant the sum of Kshs 55,600,000/- secured by a legal charge in the applicant's favour over the suit properties. The defendant is said to have defaulted on that loan facility and the applicant's statutory power of sale crystallized and it commenced the process of realization of security. However, the status quo order issued in the present suit has barred the applicant from realization of its security, and by this suit the applicant stands to lose its interest over the suit properties. The applicant states that at present, the plaintiff is not the registered owner of the suit property and has no identifiable interest thereon. The application is supported by the affidavit of Duncan Mutembete Remedial Officer at the applicant bank, which reiterates the afore described grounds.
3. Mr Mwakisha for the defendant stated on 3<sup>rd</sup> April 2025 that his client was not opposed to the application.
4. Mr Kariuki for the plaintiff indicated that his client would be filing a response and this court ordered that the same be done within 7 days from that date. I have however at the time of preparing this ruling which is outside of the 7 days provided perused the CTS records and found no replying affidavit filed by the plaintiff. consequently, the application dated 12<sup>th</sup> March 2025 is unopposed.



5. In terms of merit, I have considered the grounds set forth by the applicant and I find that the applicant has an interest in the suit property and that the application has merit. Therefore, I allow the application dated 12/3/2025 and I order that the applicant, who is now the interested party in the suit, shall file and serve its reply to the application dated 20/8/2024 within 7 days from the date of this order. Ruling on the application dated 20/8/2024 shall be delivered on 20/5/2025.

**DATED, SIGNED AND DELIVERED AT MALINDI VIA ELECTRONIC MAIL ON THIS 29<sup>TH</sup> DAY OF APRIL 2025.**

**MWANGI NJOROGE**

**JUDGE, ELC, MALINDI.**

