



**THE REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT ISIOLO**

**ELC CASE NO. E002 OF 2021**

**ABDINASSIR ABDIRAHIM MOHAMED.....PLAINTIFF**

**-VERSUS-**

**CHIEF LAND REGISTRAR.....1<sup>ST</sup> DEFENDANT**

**ABDINA GUYO DADACHA.....2<sup>ND</sup> DEFENDANT**

**GUYO JATTANI HALAKHE.....3<sup>RD</sup> DEFENDANT**

**CHUKLU BARAQO BOI.....4<sup>TH</sup> DEFENDANT**

**ASILI BARAQO.....5<sup>TH</sup> DEFENDANT**

**CHRISTINE DIRAMU GALGALO.....6<sup>TH</sup> DEFENDANT**

**TUNNET T GODANA.....7<sup>TH</sup> DEFENDANT**

**KALA ADANO.....8<sup>TH</sup> DEFENDANT**

**RULING**

1. This application is dated 15<sup>th</sup> February, 2022 and seeks the following orders:

1. **THAT** leave be granted to the Plaintiff/Applicant to effect Substituted Service of the Summons to Enter Appearance upon the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants/Respondents herein by means of advertisement in any of the Daily Newspapers

2. **THAT** the costs of this application be provided for.

2. The application is supported by the affidavit of the Plaintiff/Applicant sworn on 15<sup>th</sup> February, 2022 and has the following grounds:

1. **THAT** the Plaintiff/Applicant has been unable to serve the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants personally or on their recognized agents.

2. **THAT** diligent efforts to serve the 2<sup>nd</sup> and 3<sup>rd</sup> Defendant personally and/or there office (sic) have borne no fruits.

3. **THAT** investigations and inquires to establish the 2<sup>nd</sup> and 3<sup>rd</sup> Defendant’s whereabouts office (sic) have been in vain.

4. **THAT** it is only mete and just that this Honourable Court grants the Orders sought to enable the Plaintiff/Applicant to proceed with the suit against the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants/Respondents.

3. I note that security is cited as the reason that the suit documents have not been served upon the defendant. I find there is merit in allowing service to be effected by way of substituted service.

4. In the circumstance, the following orders are issued:

a) Prayer 1 is granted

b) Costs shall be in the cause.

**DELIVERED IN CHAMBERS THIS 21ST DAY OF FEBRUARY, 2022 IN THE PRESENCE OF:**

Court Assistant: Denge

Parties not in court.

**HON. JUSTICE P.M. NJORGE**

**JUDGE**