



Malambu & another (Suing as the Administrator of the Estate of Amina Naanyu Malambu) v Bestel Agencies Company Limited & 2 others (Civil Suit 102 of 2018) [2022] KEELC 3517 (KLR) (16 May 2022) (Ruling)

Neutral citation: [2022] KEELC 3517 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO
CIVIL SUIT 102 OF 2018
MN GICHERU, J
MAY 16, 2022**

BETWEEN

**HASSAN IDII MALAMBU 1ST PLAINTIFF
ALI KOLELA MONTET 2ND PLAINTIFF
SUING AS THE ADMINISTRATOR OF THE ESTATE OF AMINA NAANYU
MALAMBU**

AND

**BESTEL AGENCIES COMPANY LIMITED 1ST DEFENDANT
AZELIA INVESTMENTS COMPANY LIMITED 2ND DEFENDANT
LAND REGISTRAR, KAJIADO NORTH REGISTRY 3RD DEFENDANT**

RULING

1. This ruling was expected to be a judgment but upon perusal of the record, I find that there was no trial because the pleadings filed by the Plaintiffs were incomplete.
2. On 22nd June, 2018, the Plaintiffs filed the following:
 - a. complaint
 - b. Verifying affidavit.
 - c. Letter of authority signed by Dr. Ali Kolela Montet .
 - d. Undertaking by the Plaintiffs.
 - e. List of witnesses



f. Plaintiffs list of documents containing 8 documents.

They did not file any witness statement.

3. On the date set for trial, the 28th of February, 2022, the Plaintiffs did not turn up. The Court deemed their case as closed. The Defendants case was also deemed as closed.
4. After retiring to consider the Plaintiffs' evidence vis a vis the Defendants', I found no evidence adduced by the Plaintiff. I did not deem it necessary to even consider the material filed by the Defendants because the burden was on the Plaintiffs to preponderate their case on a margin of probabilities.

Owing to the inadequacy of the Plaintiffs' case due to the absence of the witness statements and failure to produce the available material formally, I find that the Plaintiffs' case is not proved to the required standard.

I dismiss the Plaintiffs' suit with costs to the Defendants.

DATED SIGNED AND DELIVERED VIRTUALLY AT KAJIADO THIS 16TH DAY OF MAY, 2022.

M.N. GICHERU

JUDGE

