



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
Where Legal Information is Public Knowledge

**Abraham (Suing as the Chairman of Isiolo Community Youth Advocacy
Aids Programme – ICYAAP) v Kimemia (Environment and Land Case
Civil Suit 002 of 2021) [2022] KEELC 3101 (KLR) (13 June 2022) (Ruling)**

Neutral citation: [2022] KEELC 3101 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT ISIOLO
ENVIRONMENT AND LAND CASE CIVIL SUIT 002 OF 2021
PM NJOROGE, J
JUNE 13, 2022**

BETWEEN

**ALIO ABRAHIM PLAINTIFF
SUING AS THE CHAIRMAN OF ISIOLO COMMUNITY YOUTH ADVOCACY
AIDS PROGRAMME – ICYAAP**

AND

PAUL KARUGA KIMEMIA DEFENDANT

RULING

1. This application is dated 12th July, 2019 and seeks orders:
 1. That this application be certified as urgent and be heard Ex-parte in the first instance.
 2. That this Honourable court be pleased to transfer Meru CMCC No.190 of 2018(formerly - Isiolo Civil Suit No.22 of 2015) to Meru Environment & Land courts for hearing and determination.
 3. That costs be provided for:

Which application is grounded on the annexed affidavit of Alio Ibrahim and on the grounds: -

 - a) That the applicant sued the respondent in Isiolo Civil Case No.22 of 2015 which was later transferred to Meru and registered as Meru CMCC E.L.C No.190 of 2018.
 - b) That Isiolo Community Youth Advocacy Aids Programme – ICYAAP which is a community Based Organizaiton (CBO) based in Isiolo County is Registered Owner of Plot No.135 Kambi Asharaf in Isiolo County.



- c) That the said suit was filed in a court of competent jurisdiction however, the said jurisdiction has been challenged by Malindi Petition No.2 of 2016 and the plaintiff/applicant opines that the suit be transferred from Isiolo law courts to Meru High Court for hearing and determination.
 - d) That this honourable court has both geographical and pecuniary jurisdiction to hear and determine the said land matter.
 - e) That the defendant/respondent has continually disregarded the order restraining him from dealing with Plot No.135 Kambi Asharaf in Isiolo belonging to Isiolo Community Youth Advocacy Aids Programme – ICYAAP.
 - f) That no prejudice will be suffered by the respondents.
2. I find that this matter has been overtaken by events as an Environment and Land Court has already been established at Isiolo. The Main prayer being prayer 2, has, therefore, been rendered redundant. The application is Ipso facto denied.
 3. Parties will come to court for directions on 25/7/2022.
 4. M/s Maina for the respondent in this suit to serve parties in Environment and Land court E009 of 2021 and Mr Nyenyire who represents the plaintiff in E002 of 2021 with the orders issued by the court today and especially the mention date slated for 25/7/2022.
 5. Concerning this application, no costs are awarded.

WRITTEN AND DELIVERED IN OPEN COURT AT ISIOLO THIS 13TH DAY OF JUNE, 2022 IN THE PRESENCE OF:

Court assistant: Balozi

Miss Maina for the Defendant.

HONOURABLE JUSTICES P.M NJOROGE

JUDGE

