



Devi & others v Lands Registrar, Kilifi County & others (Land Case E013 of 2023) [2025] KEELC 3102 (KLR) (3 April 2025) (Ruling)

Neutral citation: [2025] KEELC 3102 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MALINDI
LAND CASE E013 OF 2023
FM NJOROGE, J
APRIL 3, 2025**

BETWEEN

SARLA DEVI & OTHERS PLAINTIFF

AND

LANDS REGISTRAR, KILIFI COUNTY & OTHERS DEFENDANT

RULING

1. The application that is before this Court for determination is dated 4th January 2024 and filed on 15th January 2025. It seeks a raft of orders as follows:
 - i. Spent
 - ii. That one Omar Sharif Ali the applicant here in be joined as the 5th defender in the suit;
 - iii. The plaintiff be compelled to serve him with all the pleadings filed and the applicant be at liberty to file his pleadings in response to the suit within such a time frame and on such terms as the court may direct;
 - iv. That in the alternative to prayer number 3 herein above the court be pleased to admit the 5th defendant's defense and all the supporting pleadings thereof filed with the leave of the court;
 - v. That the court do order the parties herein to participate in a survey of the original land portion number Mariakani/Kawala B/31 as it was before the subdivision to establish the actual size of the said land and that the 2nd and 3rd defendants be ordered to conduct the survey exercise and to file the report in court;
 - vi. The 2nd and 3rd defendants be ordered to conduct survey of the original land portion number Mariakani / Kawala B/ 31 as it was before subdivision to establish the actual size of the said land and file the report in court;



- vii. That the costs of the application be in the cause.
2. The application is unopposed. I have considered its contents. In this court view the applicant is a necessary party to proceedings. I therefore grant the application in terms of Prayers No 2 and 3 thereof. The plaintiffs shall consider the matters raised in the application and amend his plaint appropriately to include the applicant as the 5th defendant. The plaintiffs shall thereafter serve the applicant with the amended plaint and also all pleadings that he has filed or been served with by the 1st to 4th defendants in this case within 14 days from the date from the date of this order.
 3. Upon being served and upon studying those documents, the 5th defendant shall file his defence and his duly paginated and index trial bundle within 14 days of service.
 4. This matter shall be mentioned on 7th May 2025 for confirmation of compliance by all parties and for issuance of a hearing date.

DATED, SIGNED AND DELIVERED AT MALINDI VIA ELECTRONIC MAIL ON THIS 3RD DAY OF APRIL 2025.

MWANGI NJOROGE

JUDGE, ELC, MALINDI.

