



**Abdi & another v Obila; Ainushams Hospitality Group Ltd (Interested Party); Kilifi Hotels Limited (Intended Defendant) (Environment and Land Case E003 of 2023) [2025] KEELC 4599 (KLR) (2 April 2025) (Ruling)**

Neutral citation: [2025] KEELC 4599 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT MALINDI  
ENVIRONMENT AND LAND CASE E003 OF 2023**

**EK MAKORI, J**

**APRIL 2, 2025**

**BETWEEN**

**NIMO AHMED ABDI ..... 1<sup>ST</sup> PLAINTIFF**

**ABDIRAHMAN MUHUMED ABDI ..... 2<sup>ND</sup> PLAINTIFF**

**AND**

**ISAAC JUMA OBILA ..... DEFENDANT**

**AND**

**AINUSHAMS HOSPITALITY GROUP LTD ..... INTERESTED PARTY**

**AND**

**KILIFI HOTELS LIMITED ..... INTENDED DEFENDANT**

**RULING**

1. The Notice of Motion dated 5<sup>th</sup> March 2023 was reckoned by this Court under Certificate of Urgency on 7/3/2025. It was ordered to be served for interpartes hearing on 13/3/2025.:
2. The court gave interim measures to secure the substration of the suit and redirected further service.
3. It came for inter partes hearing today. The Respondents albeit served have not responded yet again.
4. I reckon there is a consent which is being discharged by the Intended 3<sup>rd</sup> Defendant/Applicant who avers that the property in issue the subject of the impugned consent affects his proprietary rights and that it is the holder of the title No. 10173 been transferred to any another party whatsoever.
5. Since the consent order is contested, it will be in the interest of justice that the intended 2<sup>nd</sup> Defendant/Applicant be joined in this proceedings, the consent set aside and parties square it out on merit.



6. Consequently the application dated 5<sup>th</sup> March 2025 is hereby allowed to the extent that;
  - i. The consent order entered on 16<sup>th</sup> February 2023 be and is hereby set aside ex debito justitiae.
  - ii. That the leave be and is hereby granted to the applicant to be joined in these proceedings as 2<sup>nd</sup> Defendant to defend/protect the matter on merit.
  - iii. The orders issued on 13<sup>th</sup> March 2025 to persist to the extent that there shall be no dealings to be registered concerning suit property described as LR No. 28432 Amalgamation LR No 10173 and LR 10174 and that the consent dated and entered on 16<sup>th</sup> February 2023 as endorsed on 17<sup>th</sup> February 2023 to be of no effect until this matter is heard and determined on merit.
7. The now 2<sup>nd</sup> Defendant to file and serve the Interested Defendant, witness statements and bundle of documents within 14 days hereof with corresponding leave to the other parties to respond within 14 days of service.
8. Pre trials on 1<sup>st</sup> May 2025.
9. Costs in the cause.

**DATED, SIGNED, AND DELIVERED AT MALINDI VIRTUALLY ON THIS 2<sup>ND</sup> DAY OF APRIL 2025.**

**E. K. MAKORI**

**JUDGE**

In the Presence of:

