



Ibdirahim (Suing as the legal representative of the Estate of Sharrif Ibbirahim) v Abdirahim (Environment & Land Case E004 of 2021) [2024] KEELC 602 (KLR) (12 February 2024) (Ruling)

Neutral citation: [2024] KEELC 602 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT ISIOLO
ENVIRONMENT & LAND CASE E004 OF 2021
PM NJOROGE, J
FEBRUARY 12, 2024**

BETWEEN

HUSSEIN SHARRIF IBDIRAHIM (SUING AS THE LEGAL REPRESENTATIVE OF THE ESTATE OF SHARRIF IBBIRAHIM) PLAINTIFF

AND

ABDUKADIR SHARRIF ABDIRAHIM DEFENDANT

RULING

1. This application is dated 9/2/2024 and seeks orders that:
 1. That this Honourable Court be pleased to certify the matter urgent.
 2. That this Honourable Court be pleased to set aside and/or vary the dismissal orders for no-attendance delivered on the 8/5/2023 by Hon. Justice P. M Njoroge in Isiolo ELC No. 004 of 2021.
 3. That this Honourable Court be pleased to appoint Dahir Sharif Abdikadir as the legal representative of the deceased herein Abdikadir Shariff Abdirahim and substitution proceedings be allowed to enable him finalize this matter to conclusion.
 4. That cost and interest of the application be provided for.
2. The application is supported by the affidavit of Dahir Sharrif Abdikadir and has the following grounds:
 - a. The applicant is the eldest son of the deceased Abdikadir Sharif Abdirahim who died on 28/11/2022.
 - b. Prior to his demise the deceased was the defendant in the above matter.



- c. The applicant applied and was granted limited grant of letter of administration ad litem for the purposes of prosecuting these proceedings only on 29/12/2023 in Isiolo Kadhi's Court Misc. Succession No. E003 of 2023.
 - d. The applicant's Advocate on record upon visiting Isiolo Court registry to file an application for substitution proceedings, he was informed that the matter had been dismissed for no-attendance of both parties vide a ruling delivered on the 8/5/2023 by Hon. Justice P. M Njoroge.
 - e. The applicant is keen on prosecuting this part heard matter to finality.
 - f. That due to the nature of this case and in the interest of justice and promptitude there is need to reinstate and institute substitution proceedings in regard to the above mentioned ELC case and appoint the applicant dahir Shariff Abdikadir to enable him to proceed with this suit on behalf of the estate of the deceased.
 - g. There is no prejudice or harm that might be occasioned by the applicant being appointed as the legal representative of the estate of the deceased.
3. At this exparte stage, I issue the following orders:
- a. The application to be served upon the respondent within 10 days of today.
 - b. The orders issued by the court today to be properly served upon the respondent within 10 days of today.
 - c. The application will be heard on 8th April, 2024.

DELIVERED IN CHAMBERS AT ISIOLO THIS 12TH DAY OF FEBRUARY, 2024 IN THE PRESENCE OF;

Court Assistant: Rahma

HON. P.M NJOROGE

JUDGE

