



Isatu v Ibrahim & 4 others (Environment and Land Appeal 002 of 2021) [2024] KEELC 432 (KLR) (5 February 2024) (Ruling)

Neutral citation: [2024] KEELC 432 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT ISIOLO
ENVIRONMENT AND LAND APPEAL 002 OF 2021
PM NJOROGE, J
FEBRUARY 5, 2024**

BETWEEN

PAUL HIRBO ISATU APPLICANT

AND

SHALLE IBRAHIM 1ST RESPONDENT

ADAM KOJE 2ND RESPONDENT

BOKU BODA 3RD RESPONDENT

MARY PHILIP 4TH RESPONDENT

ASSESEY DEVELOPMENT GROUP 5TH RESPONDENT

RULING

1. This application is dated December 16, 2022. The application seeks orders;
 1. That the time within which the Applicants should file their appeal be enlarged.
 2. That the costs of this application abide the outcome of the appeal.
2. The application has the following grounds;
 1. That the Lower court judgment was delivered on April 25, 2022 and proceedings were thereafter applied for and paid for on April 27, 2022.
 2. That it was not until August 1, 2022 when the proceedings were ready for collection long after the thirty (30) day period had lapsed.
 3. That the applicant herein being lay persons then proceeded under the assumption that because the time had lapsed, their appeal was effectively locked out.



4. That it was late in December this year that the applicant, learnt from his advocate that they could actually file an application for enlargement of time especially owing to the fact that the delay was not occasioned by the applicant but by the court.
 5. That the applicant instantly appointed the counsel on record on December 15, 2022 to file this instant application without further delay.
 6. That the intended appeal is not frivolous and has high chance of success.
 7. That it is in the interests of justice that the applicant be allowed to appeal against the said judgment.
 8. That the respondents will not be prejudiced if the said leave is granted.
3. Despite evidence that the respondents had been served, they did not come to court. Miss Nyasani told the court that as there was no indication that the respondent opposed the application, she asked the court to allow the application. I agree.
4. In the circumstance, the following orders are issued:
- a. The application is allowed with costs to abide the outcome of the intended appeal.
 - b. The applicant should serve the suit documents and a record of appeal upon the respondents within 30 days of today.

DELIVERED IN OPEN COURT AT ISIOLO THIS 5TH DAY OF FEBRUARY, 2024

In the presence of:

Court assistant: Rahma

HON. JUSTICE P.M NJOROGE

JUDGE

