



**Shalle (Suing on Behalf of the Estate of Shalle Hirbo alias Shalle Hirbo Lolo) v  
Marsabit Township Women Group & 3 others (Environment & Land Miscellaneous  
Case 6 of 2023) [2024] KEELC 612 (KLR) (12 February 2024) (Ruling)**

Neutral citation: [2024] KEELC 612 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT ISIOLO  
ENVIRONMENT & LAND MISCELLANEOUS CASE 6 OF 2023  
PM NJOROGE, J  
FEBRUARY 12, 2024**

**BETWEEN**

**IBRAHIM SHALLE (SUING ON BEHALF OF THE ESTATE OF SHALLE HIRBO  
ALIAS SHALLE HIRBO LOLO) ..... PETITIONER**

**AND**

**MARSABIT TOWNSHIP WOMEN GROUP ..... 1<sup>ST</sup> DEFENDANT  
LAND SURVEYOR, MARSABITY COUNTY ..... 2<sup>ND</sup> DEFENDANT  
LAND REGISTRAR, ISIOLO ..... 3<sup>RD</sup> DEFENDANT  
MARSABIT COUNTY ..... 4<sup>TH</sup> DEFENDANT**

**RULING**

1. This application is dated 17<sup>th</sup> April, 2023 and seeks the following orders;
  1. That this application be certified urgent and be heard ex parte in the first instance.
  2. That the Honourable court be pleased to order the transfer of MCELC Case No. E010 of 2021, Ibrahim Shalle v Marsabit Township Women Group and 3 others from the Magistrate’s Court at Marsabit to this Environment and Land Court in Meru for hearing and final determination.
  3. That the cost of this application be in the cause.
2. The application is supported by the affidavit of Ibrahim Shalle, the plaintiff and has the following grounds;



1. The suit relate to among others compensation for loss of property whose value of Kshs. 45,000,000/= and therefore this Environment and Land Court is best suited to try and dispose it.
  2. Section 18 of the Civil Procedure Act gives the High Court (or courts of similar status, in this case the Environment and Land Court) powers to transfer a matter filed in a court subordinate to the High Court (or court of similar status, in this case the Environment and Land Court) or a subordinate court competent to try the issues in question.
  3. The transfer is consistent with justice as the principal objective of the Environment and Land Court is to facilitate the just, expeditious, proportionate and accessible resolution of disputes without undue regard to procedural technicalities relating to environment and land such as the dispute at hand.
  4. It is only fair and just that the orders sought herein be granted for the expeditious disposal of the matter.
  5. Unless the orders sought herein are granted the Plaintiff shall suffer substantial loss and prejudice.
  6. This application has been made without delay and no prejudice will be suffered by the Defendant if prayers herein are allowed.
3. Despite the defendants having had enough time to respond to the application, they have not done so even though the application has been pending in court for close to one year. I agree with Advocate Caleb Mwiti who held brief for the plaintiff's advocate that the application is not opposed.
  4. In the circumstances, I allow the application with the consequence that this suit will be heard and determined by this court. Parties will come to court for directions on 22/4/2024.
  5. Costs shall be in the cause.

**DELIVERED IN CHAMBERS AT ISIOLO THIS 12<sup>TH</sup> DAY OF FEBRUARY, 2024 IN THE PRESENCE OF;**

Court Assistant: Rahma

**HON. P.M NJOROGE**

**JUDGE**

