



**SBS Dunhill Group (East Africa) Ltd v Shah & others & 2 others; Kakad t/
a PJ Kakad & Co Advocates & another (Intended Defendant) (Environment &
Land Case E112 of 2023) [2024] KEELC 633 (KLR) (7 February 2024) (Ruling)**

Neutral citation: [2024] KEELC 633 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE E112 OF 2023
LN MBUGUA, J
FEBRUARY 7, 2024**

BETWEEN

SBS DUNHILL GROUP (EAST AFRICA) LTD PLAINTIFF

AND

AJEETKUMAR C SHAH & OTHERS 1ST DEFENDANT

PANKAJ CHHAGANLAL SHAH 2ND DEFENDANT

KAMALKUMAR CHHAGANLAL SHAH 3RD DEFENDANT

AND

**PRAVICHANDRA JAMNADAS KAKAD T/A PJ KAKAD & CO
ADVOCATES INTENDED DEFENDANT**

LAND REGISTRAR, NAIROBI INTENDED DEFENDANT

RULING

1. This matter was scheduled today for mention to confirm if ADR (Alternative Dispute Resolution) was fruitful. Counsels for the plaintiff desire to address the court, in open court of which the matter is scheduled for mention for that purpose on 14.2.2024. The plaintiffs pray for preservative orders in the intervening period. The respondent has opposed the grant of any such orders.
2. I have perused the record. I find that on 5.12.2023 the court gave preservative orders on the basis that parties were pursuing ADR. Thus plaintiff was not to be evicted.
3. Subsequently on 20.12.2023 the court gave orders by consent whereby plaintiff was directed to adhere to certain conditions including payment of rent on 31.12.2023 and 31.1.2024.



4. The plaintiff did not comply with the set conditions. Their advocates have gone ahead to pray that the said orders given on 20.12.2023 be set aside. In essence there is no ADR and whatever progress had been made to that end has been rendered otiose.

5. I have no basis to grant any preservative orders at this stage. I therefore decline to grant any such orders.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 7TH DAY OF FEBRUARY, 2024
THROUGH MICROSOFT TEAMS.**

LUCY N. MBUGUA

JUDGE

In the presence of:-

Omaiyo and Omari for Plaintiff

Makori for Defendant

Court Assistant: Cheronno

