



**Kamwira v County Government Of Isiolo & 50 Others (Originating Summons E01 of 2023) [2024] KEELC 3458 (KLR) (8 April 2024) (Ruling)**

Neutral citation: [2024] KEELC 3458 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT ISIOLO  
ORIGINATING SUMMONS E01 OF 2023**

**PM NJOROGE, J**

**APRIL 8, 2024**

**BETWEEN**

**SILAS KIRIMI KAMWIRA ..... APPLICANT**

**AND**

**COUNTY GOVERNMENT OF ISIOLO & 50 OTHERS ..... RESPONDENT**

**RULING**

1. This application is dated 21<sup>st</sup> of July, 2023 and seeks orders;
  - a. That this Honourable Court be pleased to certify this matter as urgent and order that the same be heard expeditiously and Exparte.
  - b. That this Honourable Court be pleased to extend time, and grant leave to the applicant to file suit out of time against the respondents collectively and or individually.
  - c. That the leave be granted to operate to subsequent transferees of the plots.
  - d. That costs be in the intended civil actions.
2. The application is supported by the affidavit of Silas Kirimi Kamwira, the applicant, and has the following grounds;
  - i. The law provides for seeking leave before filing suit.
  - ii. The law allows the respondents to challenge any leave issued during the hearing.
  - iii. The respondents will not suffer any prejudice at all if leave is granted.
3. Despite service through substituted service vide the Standard Newspaper of 4/12/2023 at page 25, the respondents have not responded to the application. The court also notes that there is an affidavit of



service showing that the 1<sup>st</sup> Respondent, the County Government of Isiolo, has been properly served with the suit documents.

4. As all the Respondents have not responded to the application, despite service having been properly served upon them, I am inclined to allow the application on the main ground that it stands unopposed.
5. In the circumstances, I issue the following orders:
  - a. This application is allowed.
  - b. Costs shall be in the cause.

**DELIVERED IN OPEN COURT AT ISIOLO THIS 8<sup>TH</sup> DAY OF APRIL, 2024 IN THE PRESENCE OF:**

**HON. JUSTICE P.M NJOROGE**

**JUDGE**

Court assistant: Balazi

