



**Republic v County Land Registrar, Mombasa; Mohamed (Exparte Applicant) (Environment and Planning Judicial Review E001 of 2024) [2024] KEELC 6526 (KLR) (9 October 2024) (Ruling)**

Neutral citation: [2024] KEELC 6526 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT MOMBASA  
ENVIRONMENT AND PLANNING JUDICIAL REVIEW E001 OF 2024**

**SM KIBUNJA, J  
OCTOBER 9, 2024**

**BETWEEN**

**REPUBLIC ..... APPLICANT**

**AND**

**THE COUNTY LAND REGISTRAR, MOMBASA ..... RESPONDENT**

**AND**

**MOHAMED JUMA MOHAMED ..... EXPARTE APPLICANT**

**RULING**

**Notice Of Motion Dated 13th March 2024**

1. The exparte applicant filed the notice of motion dated the 13<sup>th</sup> March 2024 seeking for inter alia extension or enlargement of time to file the substantive application for judicial review order after the lapse of 21 days given. The application is based on the seven (7) grounds on its face, and supported by the affidavit of Ratemo Enock, advocate, sworn on the 13<sup>th</sup> March 2024. It is the case for the exparte applicant that application for leave to file for judicial review order was granted on the 12<sup>th</sup> February 2024. That the exparte applicant was granted 21 days within which to file and serve the substantive application. That the period lapsed before the application could be filed due to the period it took for counsel to get in touch with the exparte applicant, who is homeless and has no mobile phone. That the exparte applicant has now executed the documents and time should be extended or enlarged, to allow the filing of the substantive application. The application was served, and no replying papers were filed.
2. The court has considered the application, the record and confirmed that the chamber summons for leave dated the 23<sup>rd</sup> January 2024 was allowed on the 6<sup>th</sup> February 2024, and the exparte applicant granted 21 days to file and serve the substantive application. That no substantive application was filed within the said 21 days, reportedly for reasons that counsel could not get the exparte applicant to sign or execute the necessary documents.



3. That ultimately, the exparte applicant made contact with the counsel and the instant application was filed as the 21 days had lapsed. The court has the power to extend time for good reasons for the ends of justice to be realised. The application has not been opposed, though served and I find it meritorious. However, the exparte applicant will meet his own costs as there was no other party to blame for the delay but himself.
4. The court therefore orders as follows:
  - a. That time to file and serve the substantive application is hereby extended by another fourteen (14) days from today.
  - b. The exparte applicant to meet his costs in the application.

Orders accordingly.

**DATED, SIGNED AND VIRTUALLY DELIVERED ON THIS 9<sup>TH</sup> DAY OF OCTOBER 2024.**

**S. M. KIBUNJA, J.**

**ELC MOMBASA.**

In The Presence Of:

Exparte Applicant : Mr. Ratemo

Respondent : No appearance.

Court Assistant – Leakey.

