



**Chebril(Suing as the administrator of the Estate of Asha Jabril Mohammed (Deceased) v Mburugu & 6 others (Environment & Land Miscellaneous Case 001 of 2021) [2023] KEELC 18518 (KLR) (4 July 2023) (Ruling)**

Neutral citation: [2023] KEELC 18518 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT ISIOLO  
ENVIRONMENT & LAND MISCELLANEOUS CASE 001 OF 2021**

**PM NJOROGE, J**

**JULY 4, 2023**

**BETWEEN**

**MARYANN MOHAMMED CHEBRIL(SUING AS THE ADMINISTRATOR OF THE ESTATE OF ASHA JABRIL MOHAMMED (DECEASED) ..... PLAINTIFF**

**AND**

**MICHAEL KOOME MBURUGU ..... 1<sup>ST</sup> DEFENDANT**  
**ISIOLO COUNTY GOVERNMENT ..... 2<sup>ND</sup> DEFENDANT**  
**JEDIEL KIRIMI RUTERE ..... 3<sup>RD</sup> DEFENDANT**  
**CHIEF LAND REGISTRAR ..... 4<sup>TH</sup> DEFENDANT**  
**THE NATIONAL LAND COMMISSION ..... 5<sup>TH</sup> DEFENDANT**  
**THE DIRECTOR OF SURVEY ..... 6<sup>TH</sup> DEFENDANT**  
**THE ATTORNEY GENERAL ..... 7<sup>TH</sup> DEFENDANT**

**RULING**

1. This short ruling concerns an oral application which objected to the production of 2 documents by the 3<sup>rd</sup> defendant. The documents were minutes of the meeting of the Isiolo County Council Works Town Planning and Works Committee held on October 28, 1992 and a letter date October 24, 1997 addressed by the Isiolo County Council to the 3<sup>rd</sup> defendant.
2. Advocate Lakicha argued that the minutes were not signed by the Chairman and were not signed. He also said that in view of the fact that the letter dated 24/10/1997 was signed by the same person who had signed the impugned minutes, Mr Lakicha opined that this raised suspicions. He asked that the



makers of the 2 documents or someone with knowledge of the matters concerned at Isiolo County Government be summoned to produce the 2 documents.

3. Advocate Murango Mwenda for the 3<sup>rd</sup> defendant opposed the objection. He told the court that the said documents were public documents as envisaged by section 82 of the *Evidence Act*.
4. Upon consideration of this matter, I find it in the interest justice for the said documents to be produced by the maker, if he is still available, or by another officer of the Isiolo County Government.
5. In the circumstances, the following orders are issued;
  - a. Summons is hereby issued directed to Isiolo County Government to provide a responsible officer to come to court on July 17, 2023 to produce the Minutes of the Works Town Planning and Works Committee Meeting held on October 28, 1992 and to produce a letter dated October 24, 1997 addressed to the 3<sup>rd</sup> defendant.
  - b. The 3<sup>rd</sup> defendant's advocate is directed to serve summons upon the County Government of Isiolo and, if possible, to identify in the summons the officer who will come to court to produce the apposite documents.
  - c. Costs shall be in the cause.
  - d. Further hearing on 26/7/2023.

**DELIVERED IN OPEN COURT AT ISIOLO THIS 4<sup>TH</sup> DAY OF JULY, 2023**

**HON. JUSTICE P.M NJOROGE**

**JUDGE**

