



**Miti Limited v Suleiman & 4 others (Environment & Land Case  
006 of 2021) [2023] KEELC 18665 (KLR) (10 July 2023) (Judgment)**

Neutral citation: [2023] KEELC 18665 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT ISIOLO  
ENVIRONMENT & LAND CASE 006 OF 2021**

**PM NJOROGE, J**

**JULY 10, 2023**

**BETWEEN**

**MITI LIMITED ..... PLAINTIFF**

**AND**

**ABDI AZIZ SULEIMAN ..... 1<sup>ST</sup> DEFENDANT**

**BISHAR SULEMAN ..... 2<sup>ND</sup> DEFENDANT**

**NYARA YOUTH GROUP SUED THRO, ITS CHAIRMAN ..... 3<sup>RD</sup> DEFENDANT**

**SEC. LANDS, MINISTRY OF LANDS ..... 4<sup>TH</sup> DEFENDANT**

**ATTORNEY GENERAL ..... 5<sup>TH</sup> DEFENDANT**

**JUDGMENT**

1. All the defendants and all their advocates did not come to court. Having satisfied myself that the hearing Notice had been duly served, I directed that the hearing proceeds ex-parte in the absence of the defendants.
2. Mr Mutunga told the court that the plaintiff was relying on all her pleadings and asked the court to enter Judgement in her favour. He explained that as the defendants were not in court, it was not feasible that the plaintiff would be cross-examined.
3. PW1, Stephen Gathogo Njuguna, told the court that he relied on his pleadings and his exhibits in the list of documents in the court file. He asked the court to grant his prayers as contained in the company's plaint dated 5<sup>th</sup> February, 2014.  
He also asked the court to grant the company costs of the suit. He further asked the court to admit the exhibits in the list of documents.
4. The said documents are admitted as the Plaintiffs Exhibit No. 1 as a bundle.



5. I find that in the absence of all the defendants and all their advocates, and in terms of order 12 of the *Civil Procedure Rules* which allows the court to proceed with hearing of the suit when the defendants fail or refuse to come to court during the day slated for hearing, the court should enter Judgement in favour of the plaintiff.
6. I issue the following orders;
  - a. It is hereby declared that the plaintiff is the legal owner of the property known as Isiolo Township Block 5/11.
  - b. The defenants' counter-claim is hereby dismissed.
  - c. An order is hereby issued directing the 4<sup>th</sup> defendant to issue the Plaintiff's lease expeditiously.
  - d. An order of permanent injunction is hereby issued restraining the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants, their joint and several agents, servants or beneficiaries from entering upon, trespassing, constructing or conducting business on the plaintiff's property known as Isiolo Township Block 5/11.
  - e. An order of Eviction is hereby issued against the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> defendants, their joint and several agents, servants or beneficiaries from entering upon trespassing, constructing or conducting business on the plaintiff's property known as Isiolo Township Block 5/11.
  - f. Costs are awarded to the plaintiff.

**DELIVERED IN OPEN COURT AT ISIOLO THIS 10<sup>TH</sup> DAY OF JULY, 2023 IN THE PRESENCE OF:**

Court Assistant: Balozi

Mr Mutunga for the Plaintiff.

All defendants and their advocates absent.

**HON. JUSTICE P.M NJOROGE**

**JUDGE**

