



**Kubai Investments Ltd v Sian Enterprises Ltd (Environment & Land Case E53 of 2019) [2023] KEELC 20639 (KLR) (12 October 2023) (Ruling)**

Neutral citation: [2023] KEELC 20639 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NAKURU  
ENVIRONMENT & LAND CASE E53 OF 2019  
FM NJOROGE, J  
OCTOBER 12, 2023**

**BETWEEN**

**KUBAI INVESTMENTS LTD ..... PLAINTIFF**

**AND**

**SIAN ENTERPRISES LTD ..... DEFENDANT**

**RULING**

1. On 16/5/2023 the court learnt of the 4<sup>th</sup> defendant's P.O. On 30/5/2023 Mr Terer informed court that he had a P.O. dated 9/8/23 which was not in the court record whereupon the court ordered him to avail a copy. Mr Okiro for the 1<sup>st</sup> defendant had not been served with the 2<sup>nd</sup> P.O. by then and the court ordered that he be served. On the same day this court ordered that the two preliminary objections dated 27/4/2023 and 9/8/2019 be disposed of together by way of written submissions and the objectors in each objection were to file and served submissions in 10 days and the respondents to respond in like period. The matter was scheduled for 21/6/2023 for directions but was mentioned on 20/6/2023 when Ms Shirika informed court that her office was not participating in the P.O. on 20/6/23 the court gave a ruling date of 12/10/2023 in the plaintiff's counsel's absence. Submissions of some of the defendants are on the file but those of the plaintiff are not yet the plaintiff is the respondent to the matters enumerated in the P.Os. It can not be ascertained from the record if the Preliminary Objections or submissions in support thereof were served on the plaintiff. I find it not proper in the present circumstances to make a ruling on the P.O.s now. Instead I refer this matter back to Nakuru where the issue of service and filing of replies will be dealt with by the court there so as to give all parties a level ground in their participation in the P.O.s since the ramifications of the orders sought are great.

**DATED, SIGNED AND DELIVERED AT MALINDI VIA ELECTRONIC MAIL ON THIS 12<sup>TH</sup> DAY OF OCTOBER, 2023.**

**MWANGI NJOROGE**

**JUDGE, ELC, MALINDI**

