



**Isiolo Printing Press v Godana & 21 others (Environment & Land
Case 014 of 2021) [2022] KEELC 2830 (KLR) (4 July 2022) (Ruling)**

Neutral citation: [2022] KEELC 2830 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT ISIOLO
ENVIRONMENT & LAND CASE 014 OF 2021**

PM NJOROGE, J

JULY 4, 2022

BETWEEN

ISIOLO PRINTING PRESS PLAINTIFF

AND

ROBE GODANA & 21 OTHERS DEFENDANT

RULING

1. This application seeks orders:
 1. That this honourable court be pleased to certify this Application as extremely urgent.
 2. That this honourable court be pleased to grant leave to the Plaintiff to further amend its amended Plaint to add the 22nd intended defendant as per the annexed draft copy of the further amended Plaint annexed hereto.
 3. That the attached draft further amended Plaint be deemed duly filed subject to payment of any and/or further additional fees.
 4. That this Honourable Court be pleased to order for substituted service of summons and court process upon the 3rd – 21st Defendants by advertisement in any of the daily newspapers with nationwide circulation within 30 days of the date of such Order.
2. The Application is supported by the affidavit of Michael Ngunjiri, the plaintiff's advocate and has the following grounds:
 1. That inclusion of the intended 22nd defendant/Respondent (County Government of Isiolo is crucial as it is an important party to the dispute and its inclusion as a party in the dispute shall aide (sic) the honourable court in just determination of the matter.
 2. That the pleadings in the above matter have since closed.



3. That further all attempts to serve the 3rd – 21st Defendants personally have failed since they have on several occasions’ evaded service and there is no known last address in regards to them
 4. That personal service is the only mode of service as provided under the law unless leave is granted by this Honourable Court to effect service otherwise.
 5. That it will be in the purposive interest of justice for this court to grant the Plaintiff leave to amend the amended Plaint to include the 22nd defendant, seek for an Order of demolition against all the defendants and effect service of the further amended Plaint dated 23rd June, 2022 to the 3rd – 21st defendants by substituted service by way od advertising in a Daily Newspaper with Nationwide circulation.
 6. That if such leave is granted it will facilitate in the just and expedient hearing and determination this suit
3. I issue the following orders;
- a) Prayers 2 and 4 are granted
 - b) The Plaintiff/Applicant to properly serve the application upon the 1st and 2nd defendants/ respondents within 7 days of today.
 - c) The Application will be heard interpartes on 19/7/2022.

WRITTEN AND DELIVERED IN CHAMBERS AT ISIOLO THIS 4TH DAY OF JULY, 2022 IN THE PRESENCE OF:

Court Assistant: Balozi/Rahma

HON JUSTICE P. M. NJOROGE

JUDGE

