



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT BUNGOMA**

**ELC CASE NO. 23 OF 2019**

**ALFONSE WANJALA MASINDE.....PLAINTIFF**

**VERSUS**

**ALTALF ABDULALI SHARIFF JIVRAJ.....1<sup>ST</sup> DEFENDANT**

**NAZMUDIN ABDULALI SHARIFF JIVRAJ.....2<sup>ND</sup> DEFENDANT**

**THE COUNTY GOVERNMENT OF BUNGOMA.....3<sup>RD</sup> DEFENDANT**

**THE CHIEF LAND REGISTRAR.....4<sup>TH</sup> DEFENDANT**

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

**02/11/2021**

**Coram: Hon. B. N. Olao JUDGE**

**(In Chambers)**

**ORDER**

This suit is listed for further hearing on 9<sup>th</sup> November 2021.

However, I now have placed before me the plaintiff's Notice of Motion dated 25<sup>th</sup> October 2021 and filed under Certificate of Urgency seeking the following orders: -

- (a) That it pleases the Honourable Court to dispense with service of this application in the first instance.**
- (b) That it pleases the Court to temporarily stay the hearing of the Counter – Claim pending hearing and determination of this application.**
- (c) That it pleases the Honourable Court to set aside the exparte Judgment in respect of the Counter – Claim, vacate partial proceedings of 22<sup>nd</sup> September 2021 and remit the suit for pre – trial or make such orders as the Court deems fit to grant.**
- (d) That it pleases the Honourable Court to allow the plaintiff time and leave to file a Power of Attorney.**
- (e) Costs be in the cause.**

Upon perusal of the said Notice of Motion, I grant prayer (a) and (b) with the result that the orders issued on 22<sup>nd</sup> September 2021 listing this case for further hearing on 9<sup>th</sup> November 2021 is hereby vacated to give way to the determination of this application.

The application shall be canvassed by way of written submission.

The plaintiff to serve the application and written submissions upon the defendants within seven (7) days from to–day.

The defendants shall within fourteen (14) days of service upon them of the application and submissions file and serve their responses and

submissions upon the plaintiff.

The matter shall be mentioned virtually before the Deputy Registrar on 29<sup>th</sup> November 2021 for purposes of taking a date for the ruling which shall be by way of electronic mail.

The plaintiff's Counsel must abide by the time lines set out herein with regard to service upon the defendants and in default, order (b) shall lapse and the defendants shall be at liberty to take a new date for further hearing of this case.

Costs in the cause.

**Boaz N. Olao.**

**J U D G E**

**2<sup>nd</sup> November 2021.**