



REPUBLIC OF KENYA



KENYA LAW
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Denman Properties Limited v County Land Registrar Kilifi & 9 others (Environment & Land Case 150 of 2014) [2025] KEHC 9726 (KLR) (3 July 2025) (Ruling)

Neutral citation: [2025] KEHC 9726 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MALINDI
ENVIRONMENT & LAND CASE 150 OF 2014**

EK MAKORI, J

JULY 3, 2025

BETWEEN

DENMAN PROPERTIES LIMITED PLAINTIFF

AND

COUNTY LAND REGISTRAR KILIFI 1ST DEFENDANT

NATIONAL LAND COMMISSION 2ND DEFENDANT

THE HONOURABLE ATTORNEY GENERAL 3RD DEFENDANT

AWADH ASEID 4TH DEFENDANT

AWAAH ABEID 5TH DEFENDANT

PHILIP MWARANDU 6TH DEFENDANT

ABDIRIZA MAALIMU AHMED 7TH DEFENDANT

JABRI ABDULNASSIR SEIF 8TH DEFENDANT

HON GIDEON MUNG'ARO 9TH DEFENDANT

THOYA FOLENI FRANCIS 10TH DEFENDANT

RULING

1. This matter was scheduled for a ruling on an application to set aside the consent judgment entered by the parties on June 15, 2015.
2. On May 26, 2025, the 7th and 8th Defendants applied for a deferral of that ruling on the sole point that there was a need to cross-examine Sophia Abdilahi Chacha regarding the service of summonses to enter an appearance in this suit.



3. I placed questions orally to the parties, considered the affidavits on record, and after thorough consideration, decided that this should be a summary ruling in the manner outlined below.
4. Having heard parties in this matter and meticulously gone through the record, the question of how summonses were served on the 7th and 8th defendants cannot be answered by cross-examination of One Sophia Abdilahi Chacha.
5. The reason is that she is a shareholder and Director of the Plaintiff Company. Ordinarily, a party in a lawsuit does not engage in court processes; instead, it is done through an accredited process server or counsel appearing on behalf of the parties.
6. That record clearly shows that the impugned consent judgment dated June 18, 2015, was entered by Michira Mesa, apparently representing the 7th and 8th defendants, so service of the summons will not be in dispute. Additionally, the same argument is prominently raised in the application to set aside dated April 26, 2024.
7. At best, the application dated February 13, 2025, merely prolongs this matter and is a fishing expedition. It is dismissed with costs.
8. In light of the foregoing, the ruling on the application dated April 26, 2024, to set aside the consent judgment is scheduled for July 10, 2025, considering the delay in delivering that ruling and the age of this matter.

DATED, SIGNED, AND DELIVERED IN OPEN COURT AT MALINDI ON 3RD JULY, 2025.

E. K. MAKORI

JUDGE

In the presence of:

Mr. Binyenya for the Plaintiff

Mr. Lusamba for the 1st and 3rd Defendants

Dr. Gitau for the 7th and 8th Defendants

Mr. Binyenya for the Plaintiff

Happy: Court Assistant

