



REPUBLIC OF KENYA



**Shah v Rop & another (Environment and Land Case
E054 of 2021) [2025] KEELC 3675 (KLR) (9 May 2025) (Ruling)**

Neutral citation: [2025] KEELC 3675 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAKURU
ENVIRONMENT AND LAND CASE E054 OF 2021**

A OMBWAYO, J

MAY 9, 2025

BETWEEN

ANAND KANTILAL SHAH APPLICANT

AND

WILLY KIMAGUR ROP 1ST RESPONDENT

THE CHIEF LAND REGISTRAR 2ND RESPONDENT

RULING

1. Honorable Court be pleased to review and or set aside the orders of 25th February 2025, dismissing / striking out the suit herein. This suit be reinstated and set down for hearing and determination of the interested parties claim on merit. Costs of the application be provided for.
2. The application is based on grounds that the Honorable Court had given directions in the ruling dated 7th November 2024 that parties be served with the interested parties defence and any other documents. That the parties were served with the interested parties defence and counter claim on 14th December, 2024. The matter came for mention on the 25th February 2025, however counsel for the interested parties had network related challenges, due to gadget failure and hence was not able to handle the matter when it was called out.
3. That he later managed to get back learnt the matter had been called out and suit dismissed. He argues that the failure to be present and address the court was not deliberate but due to technological challenges beyond his control. The same were not his own making and thus the interested parties should not suffer as a result of that.
4. The supporting affidavit reiterates the grounds of the application. this application appears not opposed. This court finds that the suit was marked as closed and not dismissed by the court. I do note that the interested parties have given good reason for their failure to attend court. I do order that the suit be re-opened. Mention on 25th June 2025 for directions.



SIGNED BY: HON. JUSTICE ANTONY O. OMBWAYO
THE JUDICIARY OF KENYA.
NAKURU ENVIRONMENT AND LAND COURT
ENVIRONMENT AND LAND COURT
DATE: 2025-05-09 11:50:56

