



**REPUBLIC OF KENYA**

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

**ELCC NO. 001 OF 2021**

**MARYAN MOHAMED CHEABRIL (Suing as the administrator of the**

**Estate of Asha Jabril Mohamed (deceased).....PLAINTIFF**

**VERSUS**

**MICHAEL KOOME MBURUGU.....1<sup>ST</sup> DEFENDANT**

**ISIOLO COUNTY GOVERNMENT.....2<sup>ND</sup> DEFENDANT**

**JEDIEL KIRIMI RUTERE.....3<sup>RD</sup> DEFENDANT**

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

**THE NATIONAL LAND COMMISSION.....5<sup>TH</sup> DEFENDANT**

**THE DIRECTOR OF SURVEY.....6<sup>TH</sup> DEFENDANT**

**THE ATTORNEY GENERAL.....7<sup>TH</sup> DEFENDANT**

**RULING**

1. This matter was fixed for hearing today. Advocate Mwirigi asked the court to adjourn the matter as his client, the 1<sup>st</sup> defendant, was out of the country on a work related assignment. I find that it has not been shown to the satisfaction of the court that hearing of this matter should be adjourned on account of the 1<sup>st</sup> defendant being out of the country on a frolic of his own.

2. Messrs Muriuki and Lakicha told the court that they were ready to proceed with the hearing.

3. Mr. Murango Mwenda, for the 3<sup>rd</sup> defendant, told the court that he had written to all advocates involved in this matter that he had a part heard murder case at Chuka which was proceeding today. He asked the court to adjourn the matter.

4. Mr. Muriuki informed the court that there was a matter in the Court of Appeal involving the same subject matter being canvassed in this suit. Mr. Lakicha confirmed that the matter had not been concluded but preferred that his client had given instructions that the Court of Appeal suit be withdrawn.

5. In view of the murder case at Chuka and the outstanding Court of Appeal case, I issue the following orders:

**a) The hearing of this matter is adjourned.**

**b) During the next mention date, Mr. Lakicha will apprise the court regarding developments in Court of Appeal No. 205 of 2019 at Nyeri.**

**c) The plaintiff's advocate, Mr. Lakicha, will properly serve all the orders issued by the court today upon all absent parties.**

**d) By consent of all advocates present today, DIRECTIONS on 25/1/2022.**

Ruling written and delivered in Open Court at Isiolo this 20<sup>th</sup> day of December, 2021 in the presence of:

Court Assistant: Denge

Lakicha for the plaintiff

Ken Muriuki for the 2<sup>nd</sup> defendant

Murango Mwenda for the 3<sup>rd</sup> defendant

Mwirigi Kaburu for the 1<sup>st</sup> defendant

**HON. JUSTICE P. M. NJOROGE**

**E.L.C JUDGE, ISIOLO**