



REPUBLIC OF KENYA



KENYA LAW
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Issack v Bank of Baroda (Kenya) Limited and Valley Auctioneers (Environment & Land Case E031 of 2025) [2025] KEELC 4780 (KLR) (26 June 2025) (Ruling)

Neutral citation: [2025] KEELC 4780 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAKURU
ENVIRONMENT & LAND CASE E031 OF 2025**

**A OMBWAYO, J
JUNE 26, 2025**

BETWEEN

YUSUF SURAW ISSACK APPLICANT

AND

**BANK OF BARODA (KENYA) LIMITED AND VALLEY
AUCTIONEERS DEFENDANT**

RULING

1. The Plaintiff/Applicant filed the instant application dated 28th April, 2025 seeking the following orders:
 1. Spent.
 2. Spent.
 3. Spent.
 4. Spent.
 5. That the Honourable court be and is hereby pleased to grant the Plaintiff and extension of time by 21 days within which the Plaintiff shall file and serve his supplementary affidavit and written submissions in respect to the application dated 20/3/2025.
 6. That the court be and is hereby pleased to reserve and/or arrest its ruling slated for 8/5/2025 and allow parties a chance to negotiate.
 7. That costs of this application to be provided for.
2. The Application was based on grounds set out and supported by the Affidavit of YUSSUF SURAW ISSACK the Applicant. He stated that on 27th March, 2025 the court issued directions on disposition of his application dated 20th March, 2025. He stated that he was given leave to file and serve his



supplementary affidavit after being served with the Defendants response. He further stated that the Defendants took more than the given time to file their response and that they only served his advocates on 25th April, 2025 a month after the 14 days given.

3. He went on to state that his advocates would require at least 21 days to get further instructions and thereafter file a supplementary affidavit and submissions. He added that the days that remaining to delivery of the ruling was not sufficient.
4. He stated that the court ought to review its directions under Order 45 of the Civil Procedure Rules if there were sufficient grounds to do so. He went on to state that he has commenced negotiations that may lead to a possible settlement.
5. He also stated that their advocates have been in communication with the goal of reaching a settlement. He stated that there were compelling reasons to review the directions of 27th March, 2025 by deferring the scheduled ruling to allow him sufficient time to file and serve his supplementary affidavit and submissions. He added that it would also allow the parties a chance to negotiate with a view of reaching a settlement. He urged the court to defer the ruling and issue a mention date for the matter.

Response

6. There was no response filed by the Defendants. Submissions
7. None of the parties filed their submissions.

Analysis and Determination

8. This court has considered the application and supporting affidavit and is of the view that the main issue for determination is whether the application is merited.
9. Sections 95 and 3A of the [Civil Procedure Act](#) provides as follows :-
 - “ 95. Enlargement of time
Where any period is fixed or granted by the court for the doing of any act prescribed or allowed by this Act, the court may, in its discretion, from time to time, enlarge such period, even though the period originally fixed or granted may have expired.”
 - 3A. Saving of inherent powers of court.
10. Nothing in this Act shall limit or otherwise affect the inherent power of the court to make such orders as may be necessary for the ends of justice or to prevent abuse of the process of the court.” It is not in dispute that the court on 27th March, gave directions as to when the parties ought to file and serve their documents. The Defendants have not denied that they served the Plaintiff later than the set time.
11. I have taken the liberty of going through the CTS and it is a fact that this matter has already been slated for mention on 7th July, 2025.
12. In the circumstance, it is this court’s view that the application as it stands has already been overtaken by events by virtue of the already set mention date. Consequently, I find that the instant application is thus without merit and is hereby dismissed with no orders as to costs. It is so ordered.

SIGNED BY: HON. JUSTICE ANTONY O. OMBWAYO

THE JUDICIARY OF KENYA.



NAKURU ENVIRONMENT AND LAND COURT ENVIRONMENT AND LAND COURT

DATE: 2025-06-26 13:29:17

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