



**Abdalla v Yussuf & 4 others (Environment and Land Case
E035 of 2023) [2025] KEELC 7451 (KLR) (30 October 2025) (Ruling)**

Neutral citation: [2025] KEELC 7451 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO
ENVIRONMENT AND LAND CASE E035 OF 2023
LC KOMINGOI, J
OCTOBER 30, 2025**

BETWEEN

ABDI JUMA ABDALLA PLAINTIFF

AND

MOHAMMED FOWZI HASSAN YUSSUF 1ST DEFENDANT

NOOR ABDI JAMA 2ND DEFENDANT

ABDIRIZAK HASSAN JAMA 3RD DEFENDANT

ILYAS JAMA 4TH DEFENDANT

ABDULSWAMAD HUSSEIN OMAR 5TH DEFENDANT

RULING

1. This is the ruling in respect of the Notice of Motion dated 6th May 2025 brought under; (Order 51 Rule 1, orders 45 Rule 1 of the Civil Procedure Rules and section 3A and 80 of the [Civil Procedure Act](#), Cap 21 of the Laws of Kenya together with all other enabling provisions of the law).
2. It seeks orders;
 1. Spent.
 2. That this Honourable Court be pleased to review and/or set aside the order of the Honourable court made by the ruling dated 20th March 2025 in respect of the Plaintiff's application dated 24/10/2023.
 3. That the 1st & 5th defendants/applicants be granted leave to respond to the Plaintiff's Chamber Summons.
3. The grounds are on the face of the Application and are set out on paragraphs (A) to (R).



4. The Application is supported by the Affidavit of, Mohammed Fowzi Hassan Yussuf, the 1st Defendant/Applicant herein sworn on the 6th May, 2025.
5. The Application is opposed. There is a Replying Affidavit sworn by Abdi Juma Abdalla the plaintiff/respondent herein, on the 9th June 2025.
6. On the 10th June 2025, the court with the consent of the parties directed that the Notice of Motion be canvassed by way of written submission.
7. I have considered the Notice of Motion, the Affidavit in support, the response thereto, the rival submissions and the authorities cited. The issues for determination are;
 - i. Whether the ruling dated 20th March 2025 ought to be reviewed and/or set aside.
 - ii. Who should bear costs of this Application?
8. I have gone through the court record and I am satisfied that the 1st to 5th Defendants/Applicants were aware of the suit herein and the Notice of Motion dated 24th October 2023. They were represented by counsel who sought leave to file a response and submission.
9. The claim by the 1st to 5th Defendants/Applicant that they were not served is therefore false.
10. It is not in dispute that the Plaintiff, is the registered owner of Ngong/Ngong/10838 but had allowed the Muslim Community in the locality to access the structure on the suit property for use as a prayer room as required by Islamic Faith.
11. The 1st and 5th Defendants/Applicants have not demonstrated any interest on the suit property.
12. I find that no justifiable reasons have been given to warrant this court to set aside the orders issued on the 20th March 2025.
13. I find this Application is an abuse of the court process and the same is dismissed with cost to the Plaintiff/Respondent.

DATED, SIGNED AND DELIVERED VIRTUALLY AT KAJIADO THIS 30TH DAY OF OCTOBER 2025.

L. KOMINGOI

JUDGE.

In The Presence Of:

Mr. Ondari for the Plaintiff/Respondent.

Mr. Abdilahi for the 1st to 5th Defendants/Applicants.

N/A for the 2nd, 4th, 6th Defendants.

Court Assistant – Peter.

