



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT (LAND DIVISION) AT  
NAIROBI**

**MILIMANI LAW COURTS**

**ELC (OS) NO. E068 OF 2025**

**SHABEEL PROJECT SERVICES LIMITED .....  
PLAINTIFF/RESPONDENT**

**-VERSUS-**

**1. MAHADI ENERGY LIMITED**

**2. IBRAHIM**

**HUSSEIN**

**MAHADI**

**.....DEFENDANTS/APPLICANTS**

**RULING**

1. This matter came up for mention today for the purpose of confirming compliance and filing of submissions with regard to the Notice of Motion dated 27<sup>th</sup> October, 2025 and 24<sup>th</sup> October, 2025. However, the Respondents in the matter did inform the court that they filed another Notice of Motion dated 6<sup>th</sup> December, 2025 seeking for my recusal in the conduct of the applications and suit herein.
2. Because of the nature of the Application for recusal, I did direct that the same shall take precedence of all other pending Applications, and directed that the Application for Recusal be disposed with by way of Written Submissions, and that the same

be mentioned on 15<sup>th</sup> February, 2026 to confirm compliance. However, counsel for the Respondent/Applicant Mr. Origi did oppose the grant of extension of Orders issued on 24<sup>th</sup> October, 2025 on the grounds that the said Orders were obtained without disclosure of material facts and

that the extension of the Orders were contravening the provisions of Order 40 Rule 4(3) of the Civil Procedure Rules.

3. Mr. Kiiru for the Applicant did oppose the same stating that there was an application seeking to set aside the Orders of 24<sup>th</sup> October, 2025 and thus the counsel for the Respondent seems to be arguing that Application through the back door.
4. The Applicant's counsel further states that despite the Respondents advocates stating that they had not been served. The Respondent had served both Application and the Orders of 24<sup>th</sup> October, 2025.
5. I have heard the submissions by counsel and the only issue for determination before me is whether the further Orders issued on 24<sup>th</sup> October, 2025 should be extended.
6. It is worth noting that the Respondent/Applicant has filed an Application to set aside the said Order in its entreaty which Application is pending hearing and determination. However, the Respondent are opposing the extension of the Interim Orders.
7. On whether by Dint of Order 40 Rule 4(3), the said orders have lapsed. I find that the Respondent have been served with the Application dated 24<sup>th</sup> October, 2025 together with orders herein.

The Respondent had an affidavit service filed, instructed counsel and filed Notice of Motion to set aside the said orders filed.

8. I therefore find that the said Order 40 Rule 4(3) is not applicable. Consequently, the issue of whether to extend an order or not is one in which a court or judge has to exercise his discretion.
9. Considering that there is an Application for my recusal in the matter and there are other Application pending to set aside my Orders of 24<sup>th</sup> October, 2025, I find that in the interest of Justice that the Orders of 23<sup>rd</sup> October, 2025, be extended pending the hearing and determination of the Notice of Motion dated 6<sup>th</sup> December, 2025.

**Orders accordingly.**

**DATED, SIGNED and DELIVERED** virtually at **NAIROBI** on this **8<sup>th</sup>** day of **December, 2025.**

**MOHAMMED N. KULLOW**  
**JUDGE**

**Ruling delivered in the presence of: -**

.....for the Plaintiff/Respondent

..... for the Respondent/Applicant

**Philomena W.**.....Court Assistant

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