



**Kimeu (Suing as administrator and on behalf of Syokimau Farm Limited)
v Sumra Construction Co Limited & 3 others (Environment and Land
Case E033 of 2021) [2026] KEELC 271 (KLR) (27 January 2026) (Ruling)**

Neutral citation: [2026] KEELC 271 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MACHAKOS
ENVIRONMENT AND LAND CASE E033 OF 2021**

NA MATHEKA, J

JANUARY 27, 2026

BETWEEN

**PAUL MASILA KIMEU (SUING AS ADMINISTRATOR AND ON BEHALF OF
SYOKIMAU FARM LIMITED) PLAINTIFF**

AND

SUMRA CONSTRUCTION CO LIMITED 1ST DEFENDANT

WILFRED NG'ANG'A NGARUIYA 2ND DEFENDANT

ABDI AZIZ HUSSEIN 3RD DEFENDANT

SAMURA ENGINEERING LIMITED 4TH DEFENDANT

RULING

1. The application is dated 14th July 2025 and is brought pursuant to Sections 1A, 1B and 3A of the [Civil Procedure Act](#) Chapter 21 Laws of Kenya, Order 2 Rule 15 of the Civil Procedure Rules seeking the following orders;
 1. That the suit herein be struck out in its entirety for being incompetent, fatally defective and an abuse of the court process as the Plaintiff lacks legal capacity to institute this suit, as he is not a licensed insolvency practitioner within the meaning of the [Insolvency Act](#), 2015 as held in previous Judgment of competent courts.
 2. That the costs of this Application and the suit be borne by the Plaintiff/Respondent
2. It is supported by the annexed Affidavit sworn by Edna Brandy Wanja and on the following grounds that the Plaintiff has filed the suit purporting to act as an insolvency practitioner on behalf of Syokimau Farm Limited, a role which he is not licensed or qualified to undertake under the [Insolvency Act](#). That previous decisions of competent courts have determined and declared that the Plaintiff lacks such



capacity and is not authorized to act in this capacity. That the continued institution of suits under this false pretext amounts to an abuse of the court process and undermines the integrity of the judicial system. That this suit therefore, discloses no reasonable cause of action, is scandalous, frivolous, and vexatious, and ought to be struck out under Order 2 Rule 15(1) (a), (b) and (d) of the Civil Procedure Rules. That additionally, the Plaintiff has shown lack of interest in prosecuting the case as neither nor his advocate have been attending court as required. That it is in the interest of justice that the suit be struck out at this preliminary stage.

3. This court has considered the application and the supporting affidavit. The Respondent was served but failed to attend court or file any opposition to the application. The Applicant states that the Plaintiff/Respondent lacks legal capacity to institute this suit, as he is not a licensed insolvency practitioner within the meaning of the *Insolvency Act*, 2015. In other words that that the Plaintiff/Respondent has no locus standi to institute this suit.

4. In the case of *Alfred Njau & Others vs City Council of Nairobi* (1982) KAR 229, the court held as follows;

The term locus standi means a right to appear in court and conversely to say that a person has no locus standi means that the has no right to appear or be heard in such and such proceedings.”

5. Similarly, in the case of *Law Society of Kenya vs Commissioner of Lands & Others*, Nakuru High Court Civil Case No. 464 of 2000, the court held that;

Locus standi signifies a right to be heard. A person must have sufficiency of interest to sustain his standing to sue in court of law.”

6. In the case of *Mumo Matemo vs Trusted Society of Human Rights Alliance & 5 Others*, the court stated that while the court should not sanction hurdles to access to justice by restricting the definition of locus standi, it should nevertheless not entertain litigation that is hypothetical, abstract or is an abuse of the judicial process.

7. Therefore, locus standi means the right to appear before and be heard in a court of law. Without it, even when a party has a meritorious case, he cannot be heard because of that. Locus standi is so important that in its absence, party has no basis to claim anything before the Court.

8. It is not in dispute that Syokimau Farm Limited is subject to voluntary winding up proceedings initiated by a special resolution passed on the 26th July 2013 and published in the Kenya Gazette on the 8th August 2013 as notice No. 11485 pursuant to Section 241 of the *Companies Act*. The Plaintiff, Paul Masila Kimeu has brought this suit as the administrator of Syokimau Farm Limited.

9. This court notes that Syokimau Farm Limited was wound up in 2013 before the enactment of the *Insolvency Act*. Section 6 of the *Insolvency Act* provides for qualifications of an insolvency practitioner as follows;

1. Subject to subsection (2) and (3), a person is qualified to act as an insolvency practitioner only if the person—
 - a. satisfies the requirements of the insolvency regulations with respect to education, practical training and experience;
 - b. is a member of a professional body recognized under section 7; and
 - c. satisfies the requirements (if any) of the rules governing the body.



2. A natural person is disqualified from being or acting as an insolvency practitioner if the person —
 - a. has been adjudged bankrupt, or the person's estate has been sequestrated and, in either case, the person has not been discharged;
 - b. is subject to a disqualification order made under the law relating to companies; or
 - c. is unable to perform the functions of an insolvency practitioner because of physical or mental infirmity.
 3. A body corporate is not eligible to be an insolvency practitioner, but this subsection does not extend to an employee of a body corporate.
 4. A natural person who, during the two years immediately preceding the commencement of this Part, was carrying on any of the activities referred to in section 4(1) or (2) is, unless disqualified under subsection (2), taken to be qualified to be and to act as an insolvency practitioner on and after that commencement, but ceases to be so qualified unless the person has, within the twelve months after that commencement, complied with the requirements of subsection (1).
10. As Syokimau Farm Limited was wound up in 2013 before the enactment of the *Insolvency Act*, the transitional provisions in Regulation 141 of the Insolvency Regulations, 2016 apply in the circumstances of this case and the same provides as follows;
1. A practitioner carrying on any assignment under the repealed *companies Act* after the one year after the commencement of the *Insolvency Act* shall declare to the official receiver any such pending assignment and whether he wishes to carry on under the repealed *companies Act* until the assignment is completed.
 2. If an insolvency practitioner wishes to carry on any existing assignments under the repealed *companies act* after the one year, the party concerned shall make an application to the High Court, requesting for an extension of time and the court on hearing such an application may extend the time as the court may consider just and expedient.
11. Following the provisions stated above the Plaintiff/ Respondent as an administrator is required to exhibit a declaration to the Official Receiver of his intention to continue as such or an order of extension of time from the High Court. These documents were not produced in this case and the application was unopposed.
12. In the case of *Stantech Motors Limited vs Syokimau Farm Limited & 4 others (Environment & Land Case E005 of 2022) (2024) KEELC 3263 (KLR)* the court held that;
- In view of the fact that the Gazette Notice dated 26th July 2013, only wound up Syokimau Farm Limited and did not appoint anyone as administrator, liquidator or similar official, I also find and hold that there is no evidence that Paul Masila Kimeu, the 2nd defendant was appointed as administrator of the 1st defendant. Consequently, I find and hold that Paul Masila Kimeu has never been and is not the administrator of Syokimau Farm Limited, the 1st defendant and therefore all transactions made by him in such capacity are null and void with no legal consequence, and he is personally liable for the same.”
13. I concur with the above finding. I find this application is merited and find that the Plaintiff/ Respondent is not an administrator of Syokimau Farm limited. I therefore find he has no locus standi to institute this suit and I strike it out with costs to the Defendants.



It is so ordered.

DELIVERED, DATED AND SIGNED AT MACHAKOS THIS 27TH DAY OF JANUARY 2026.

N.A. MATHEKA

JUDGE

