

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MALINDI
ELC CASE NUMBER EO05 OF 2011.

MERRY BEACH LIMITED
PLAINTIFF

VERSUS

THE ATTORNEY GENERAL AND 17 OTHERS
DEFENDANTS

DIRECTIONS

1. The motion dated 23rd June 2025 seeks orders as follows:
 - a. *That leave be granted to the petitioner to directly execute its costs against the directors of Itakey Investment Limited namely Antonio Braccini and Antonella Braccini in person by lifting the corporate veil and show cause in accordance with Order 22 Rule 35 of the Civil Procedure Rules;*
 - b. *That directions be given as to the issuance of notice to show course against Antonio Braccini and Antonella Braccini;*
 - c. *That costs of this application be provided for.*

2. The grounds upon which the application is based are that the petitioner was awarded costs taxed in the sum of Kenya Shillings 1,896 205.70. The court issued a Notice to Show Cause against the two directors of Itakey Investments Limited. When the Notice to Show Cause came up for hearing Itakey Investments Limited raised objections that it is not bound to pay the costs as it is not a party and further contended that a cooperative before dealing with its directors.

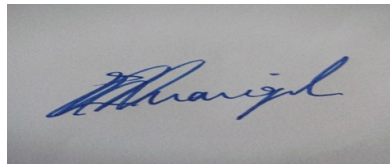
3. I have examined the provisions of **Order 22 Rule 35**. I also examined the provisions of **Order 49 Rule 7(b)(x)**. I find that under those rules the Deputy Registrar has jurisdiction to hear and determine the present application, and there was no need in the

first place for it to be placed before this court. It is regrettable that it took sometime to examine the application in detail while this court was handling other court business. However now that it has been established that the Deputy Registrar of this court is seized of jurisdiction to hear the application, I order that the same be placed before the Deputy Registrar for hearing and final disposal, and the same shall be done expeditiously.

It is so ordered.

Dated, signed and delivered at Malindi on this 28th day of April, 2026.

**MWANGI
JUDGE, ELC,**

A rectangular box containing a handwritten signature in blue ink. The signature appears to be 'Njoroge' written in a cursive style.

**NJOROGE,
MALINDI.**