

**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT GARISSA**

**ELC MISC. APPL. NO. E002 OF 2020**

**SAMIMPEX KENYA LIMITED .....  
APPLICANT**

**VERSUS**

**HAWO BISHARO OMAR ..... 1<sup>ST</sup>  
RESPONDENT**

**SALAT FENUS ..... 2<sup>ND</sup>  
RESPONDENT**

**ISNINO OSMAN ..... 3<sup>RD</sup>  
RESPONDENT**

**FADUMO RAGE ..... 4<sup>TH</sup>  
RESPONDENT**

**ADOW SEDOW ..... 5<sup>TH</sup>  
RESPONDENT**

**HAWO RAGE ..... 6<sup>TH</sup>  
RESPONDENT**

**RULING**

***[Notices Of Motion Dated 6<sup>th</sup> November 2025 & 10<sup>th</sup>  
December 2025]***

1. In the two applications dated 6<sup>th</sup> November 2025 and 10<sup>th</sup> December 2025, the applicant seeks for the same orders inter alia that:

- a. That time to execute the eviction orders dated 3<sup>rd</sup> February 2015 that were earlier extended on 23<sup>rd</sup> April 2021 be extended.*
- b. Alternatively, eviction orders be re-issued afresh.*
- c. Inspector General of police, OCPD and OCS Garissa Police Station to provide security and maintain law and order during execution.*
- d. Costs.*

The application is premised on the eight (8) grounds on its face and supported by the affidavit of Hussein Roba, advocate, sworn on 6<sup>th</sup> November 2025.

It is the applicant's case that vide a judgement delivered on 2<sup>nd</sup> May 2014 in **Milimani High Court** in **ELCC No. 548 of 2013**, the applicant was declared the rightful owner of **Garissa Town/Block5/3**, the suit property, and a decree dated 7<sup>th</sup> July 2014 and eviction order dated 3<sup>rd</sup> February 2015 were issued against the respondents. that the applicant could not execute the eviction due to financial constraints as the auctioneers had given a quotation of **Kshs. 1,500,000/=**.

That the applicant issued notice to vacate dated 13<sup>th</sup> January 2020 to the respondents but they have not

complied with it. That the respondents have continued to make developments on the suit property, sell and or lease out portions thereof which are acts amounting to contempt of court. That the extension of the eviction order is necessary to enable the applicant realise the fruits of the judgement.

2. The applications were served and no replies in opposition have been filed to date. The two applications came up for hearing on the 24<sup>th</sup> March 2026 when the learned counsel for the applicant made his submissions. I have perused the record, especially the ruling of this court, (**Cherono J**), of 19<sup>th</sup> April 2021, extending the time for execution of the eviction order. I take the current applications to be seeking extension of that order.
3. The reason proffered by the applicant for the delay in execution of the eviction that the auctioneers had given a quotation of **Kshs. 1,500,000/=** for the exercise which it could not raise due to financial challenges. That quotation is indeed on the letter dated 11<sup>th</sup> February 2015 by P. Mwangi Muya, licensed auctioneer, that is attached to the supporting affidavits herein. The applicant must have been aware of that quotation when he approached the court for extension of time vide the application dated 24<sup>th</sup> November 2020 that was allowed through the ruling of 19<sup>th</sup> April 2021.

4. The applicant has not explained what other steps it has taken towards raising the costs involved in the execution of the eviction process since obtaining the order of 19<sup>th</sup> April 2021. As litigation must come to an end, the court will grant the applicant a limited period within which to execute the eviction order. The court therefore orders as follows;

- a. That time to execute the eviction orders dated 3<sup>rd</sup> February 2015 that were earlier extended vide the ruling of 19<sup>th</sup> April 2021 and decree of 23<sup>rd</sup> April 2021 is extended by a period of one year from today.***
- b. That the OCS Garissa Police Station to provide security during the eviction, upon payment of applicable fees, if any.***
- c. The applicant will meet its own costs in the two applications, as it is responsible for the delay in the execution that necessitated their filing.***

It is so ordered.

**DATED, SIGNED AND VIRTUALLY DELIVERED ON 30<sup>TH</sup>  
DAY OF APRIL 2026.**

**M. Kibunja**

**S.**

**ELC**

**JUDGE**

**In the presence of:**

Applicant – Mr. Hussein

Respondents – No Appearance

Mohammed - Court Assistant

**S. M.**  
**Kibunja**  
**ELC**  
**JUDGE**