



REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT

AT MALINDI

ELC CIVIL CASE NO.20 OF 2015

CHRISTINE SIDI KAMBI (*suing as the Administrator of the estate of*

1. JOHN PAUL KAMBI

2. KHOSLA FARM LIMITED.....PLAINTIFFS

=VERSUS=

1. YAHYA MOHAMED SUILEIMA

(*the administrator ad litem of the estate of the late OMAR MOHAMED*)

2. KANAMAI COCONUT INVESTMENT LTD

3. THE DIRECTOR OF SURVEY

4. THE NATIONAL LAND COMMISSION

5. THE CHIEF LAND REGISTRAR

6. THE MOMBASA COUNTY LAND REGISTRAR

7. THE HON. ATTORNEY GENERALDEFENDANTS

R U L I N G

1. The Application before me is the one dated 8th October 2015 seeking for the following orders:

(a) That the court be pleased to stay the Orders of the Court issued on 17th March 2015 pending the hearing and determination of this Application.

(b) That the court to be pleased to strike out the Plaint and all other subsequent pleadings filed herein.

(c) That the court be pleased to issue Notice for Omondi Paul Alando Sanate Advocate No. P/105/4297/00 to appear and show cause why he should not be penalised for contempt of court.

(d) That costs of this Application and the entire suit to be provided for.

2. The Application is premised on the grounds that the 1st and 2nd Defendants were never served with Summons to Enter Appearance; that the Plaintiffs were stopped from filing another suit in HCCC No. 71 of 2014 and 170 of 2014 and that the Plaint and all the other pleadings are null and void for having been filed and argued by an unqualified advocate.
3. The Defendants have annexed on their Supporting Affidavit a letter from the Law Society of Kenya dated 1st October 2015.
4. In the letter, the Law Society of Kenya confirmed that Mr. Omondi Paul Olando Sanate does not hold the current practicing certificate and is therefore not licenced to practice law.
5. In another letter of the same date, the Law Society of Kenya confirmed that Mr. Omondi Paul Olando Sanate last held a practicing certificate in the year 2011.
6. It is not in dispute that this suit was filed by the firm of Alanda & Co. Advocates, whose physical address is not indicated on the face of the Plaint.
7. Indeed, a Mr. Alando Advocate appeared before this court and prosecuted an Application for injunction.
8. Although Mr. Alando was personally served with the current Application, he did not file a response.
9. It is trite law that where an advocate who does not hold a practicing certificate files a pleading in court, such a pleading is incompetent, null and void.
10. In view of the evidence before this court showing that Mr. Omondi Paul Alando Sanate has never held a practicing certificate since the year 2011, I allow the Defendant's Application dated 8th October 2015 in the following terms:-

(a) The Plaint and all the subsequent pleadings drawn and filed by the firm of Alando and Company Advocates are hereby struck out with costs.

(b) The costs of this Application and the entire suit to be paid by Mr. Omondi Paul Alando Sanate personally.

Dated and delivered in Malindi this 30th day of **October** 2015.

O. A. Angote

Judge