



REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT

AT MALINDI

ELC CIVIL CASE NO.143 OF 2011

WALADI AHMED.....PLAINTIFF

VERSUS

COMMISSIONER OF LANDS

THE CHIEF LAND REGISTRAR

THE DISTRICT LAND REGISTRAR, KILIFI

LA MARINA LTD

WINTON HOLDINGS LIMITED

TOP SAFE INVESTMENTS LTD.....DEFENDANTS/RESPONDENTS

R U L I N G

1. The Application before me is by the Plaintiff and is dated 23rd October 2014 seeking for the following orders:
 - (a) **THAT this Honourable Court do give its approval to Waladi Ahmed Waladi the holder of a Special Power of Attorney donated by Waladi Ahmed the Plaintiff herein to appear in court on behalf of the Plaintiff and do all such acts authorised by the plaintiff during the period of this suit.**
 - (b) **THAT the cost of this application be in cause.**
2. The Application is premised on the ground that the Plaintiff is an elderly and sickly person and requires the assistance of his attorney to give evidence.
3. In the Grounds of Objection, the 4th, 5th and 6th Defendants have averred that all the Affidavits have the name of Waladi Ahmed and not Walid Ahmed Mbwende; that the donor of the Power of Attorney is one Walad Ahmed Mbwende who has nothing to do with this suit and that the court should investigate the true identity of the Plaintiff considering that the donor of the power of attorney dated 28th April 2014 is known as Waladi Ahmed Mbwende.
4. The issue as to whether the name Walid Ahmed Mbwende also refers to the Plaintiff herein can only be ascertained at trial.
5. The Plaintiff has deponed that he is 82 years of age and has lost his sense of hearing.

6. In the circumstances, and on the basis that the Defendants shall be at liberty to investigate and interrogate the Plaintiff's Attorney on the true identity of the Plaintiff, I allow the Application dated 23rd October 2014 as prayed with no orders as to costs.

Dated and delivered in Malindi this **9th** day of **October** 2015.

O. A. Angote

Judge