



**Miti Limited v Suleiman & 4 others (Environment & Land Case 006 of 2021) [2024] KEELC 1418 (KLR) (18 March 2024) (Ruling)**

Neutral citation: [2024] KEELC 1418 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT ISIOLO  
ENVIRONMENT & LAND CASE 006 OF 2021**

**PM NJOROGE, J  
MARCH 18, 2024**

**BETWEEN**

**MITI LIMITED ..... PLAINTIFF**

**AND**

**ABDI AZIZ SULEIMAN ..... 1<sup>ST</sup> DEFENDANT**

**BISHAR SULEMAN ..... 2<sup>ND</sup> DEFENDANT**

**NYARA YOUTH GROUP SUED THRO, ITS CHAIRMAN ..... 3<sup>RD</sup> DEFENDANT**

**THE SEC. LANDS, MINISTRY OF LANDS ..... 4<sup>TH</sup> DEFENDANT**

**THE ATTORNEY GENERAL ..... 5<sup>TH</sup> DEFENDANT**

**RULING**

1. This Ruling concerns the Preliminary Objection dated 5/2/2024. The Preliminary Objection states as follows;

Take notice that the 3<sup>rd</sup> defendant shall at the hearing of this suit seek to raise a preliminary objection on the following grounds:

1. The suit as filed is incompetent, bad in law and an abuse of the court process.
2. The party sued herein as the 3<sup>rd</sup> defendant is not a legal entity known in law capable of suing and being sued.

**DATED AT ISIOLO THIS 5<sup>TH</sup> DAY OF FEBRUARY, 2024**



**For: Mokuia Obiria & Ass**

2. Having perused the preliminary Objection, I do find that it raises issues which need canvassing. I opine that the canvassing can be done in the Main Suit. The greater Interest of Justice inclines one to find that all issues in this suit should be canvassed in the Main Suit.
3. All the parties are directed to fully comply with Order II CPR within 21 days of today, if they have not done so.
4. This Preliminary Objection is dismissed with costs to be in the cause.
5. Directions will be taken on 29/4/2024.

**DELIVERED IN OPEN COURT AT ISIOLO THIS 18<sup>TH</sup> DAY OF MARCH, 2024 IN THE PRESENCE OF:**

Court assistant: Balozi/Rahma

Miss Kaaria holding brief for Mutunga for the Plaintiff.

Miss Nyasani holding brief for Mokuia for the 3<sup>rd</sup> defendant.

**HON. JUSTICE P.M NJOROGE**

**JUDGE**

