



**Shibawa General Interprises Limited v China State Construction Engineering Corporation (Kenya) Limited (Environment & Land Case 1 of 2023) [2024] KEELC 1391 (KLR) (12 March 2024) (Ruling)**

Neutral citation: [2024] KEELC 1391 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT ISIOLO  
ENVIRONMENT & LAND CASE 1 OF 2023**

**PM NJOROGE, J  
MARCH 12, 2024**

**BETWEEN**

**SHIBAWA GENERAL INTERPRISES LIMITED ..... PLAINTIFF**

**AND**

**CHINA STATE CONSTRUCTION ENGINEERING CORPORATION (KENYA) LIMITED ..... DEFENDANT**

**RULING**

1. This application is dated 9/2/2024 and seeks orders;
  1. That this application be and hereby certified urgent to be heard ex parte in the first instance.
  2. That this Honourable Court be pleased to set aside and/or vacate the orders allowing the Plaintiff/Respondent to apply for formal proof thereby allowing the Defendant/Applicant to defend the Plaintiff's suit on merit.
  3. That the Defendant/Applicant be granted leave to file its defence out of time and the annexed draft defence be deemed as duly filed and served upon payment of the requisite court fees.
  4. That the hearing of this matter be reinstated in order for the Defendant/Applicant to respond adequately to the claim.
  5. That the costs of this application be provided for.
2. The application is supported by an affidavit of ISACK DOTI GARBITI on behalf of the defendant.
3. During the date fixed for hearing of the application, Miss Mukuche, the Advocate representing the defendant asked the court to allow the application as it had not been opposed.
4. I agree that the application is not opposed.



5. I issue the following orders:
- a. Prayers 2, 3 and 4 in the application are allowed.
  - b. Costs shall be in the cause.
  - c. The defendant is granted a period of 21 days to file its defence and any other necessary papers.
  - d. The defendant is directed to serve the orders issued by the court today upon the plaintiff within 10 days of today.
  - e. Parties will come to court for directions on 6/5/2024.

**DELIVERED IN OPEN COURT AT ISIOLO THIS 12<sup>TH</sup> DAY OF MARCH, 2024 IN THE PRESENCE OF:**

Court assistant: Balozi/Rahma

Miss Mukuche for the Applicant.

**HON. JUSTICE P.M NJOROGE**

**JUDGE**

