



Habo Agencies Limited v National Land Commission (Application 16 of 2020) [2022] KECA 118 (KLR) (18 February 2022) (Order)

Neutral citation: [2022] KECA 118 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT MOMBASA
APPLICATION 16 OF 2020
SG KAIRU, A MBOGHOLI-MSAGHA & P NYAMWEYA, JJA
FEBRUARY 18, 2022**

BETWEEN

HABO AGENCIES LIMITED APPLICANT

AND

NATIONAL LAND COMMISSION RESPONDENT

(An application to strike out the notice of appeal from the judgment and decree of the High Court of Kenya at Mombasa (E.K. Ogola, J.) delivered on 23rd January 2020 in High Court Constitutional Petition No. 44 of 2018)

ORDER

1. In its application dated 19 February 2020, Habo Agencies Limited, the applicant, seeks an order that the notice of appeal by National Land Commission, the respondent, dated 23rd of January 2020 and lodged in the High Court at Mombasa on 24 January 2020 be struck out. The circumstances giving rise to this application are the same as those obtaining in Mombasa Civil Application No. 15 of 2020 between Cyber Access Limited and National Land Commission with respect to which the Court has delivered its ruling of even date. Accordingly, that ruling in Mombasa Civil Application No. 15 of 2020 between Cyber Access Limited and National Land Commission shall apply, *mutatis mutandis*, to this application.

Orders accordingly.

DATED AT MOMBASA THIS 18TH DAY OF FEBRUARY 2022.

S. GATEMBU KAIRU, FCIArb

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JUDGE OF APPEAL

MBOGHOLI MSAGHA



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JUDGE OF APPEAL

P. NYAMWEYA

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JUDGE OF APPEAL

I certify that this is a true copy of the original.

DEPUTY REGISTRAR

