



**Sorcha v Muhidin & 3 others (Environment & Land Petition
009 of 2021) [2024] KEELC 3808 (KLR) (13 May 2024) (Ruling)**

Neutral citation: [2024] KEELC 3808 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT ISIOLO
ENVIRONMENT & LAND PETITION 009 OF 2021
PM NJOROGE, J
MAY 13, 2024**

BETWEEN

ALI GUYO SORCHA PETITIONER

AND

NOOR MUHIDIN 1ST RESPONDENT

COUNTY GOVERNMENT OF MARSABIT 2ND RESPONDENT

LAND REGISTRAR, MARSABIT/ISIOLO 3RD RESPONDENT

ATTORNEY GENERAL 4TH RESPONDENT

RULING

1. This application is dated 4/4/2023 and seeks orders;
 - a. That this Honourable Court be pleased to certify this application as urgent and order that the same be heard expeditiously.
 - b. That this Honourable Court be pleased to grant leave to the applicant to amend the decree dated December 30, 2023 by substituting the names Marsabit Town with Marsabit/JIRME in respect to land parcels 126 and 127 respectively in terms of the annexed draft.
 - c. That the Land Registrar, Marsabit -Isiolo be allowed to dispense with original titles in execution of the decree herein.
 - d. That the court do give such other orders as it deems fit.
2. The application is supported by the affidavit of Abdi Ali Sorcha, the applicant and has the following grounds;
 - a. The judgment and the decree are at variance and need to be reconciled.



- b. The respondents are unwilling to surrender original titles to the Land Registrar for execution of courts decree.
 - c. The respondents are intentionally delaying the execution of the decree.
3. When the application came up for hearing on 13/5/2024, advocate Benjamin Ondari, for the applicant asked the court to allow the application because despite service, the respondents had not filed and served responses. I find that the advocate's position is correct. He also asked the court to grant costs under prayer (d).
4. In the circumstances, the following orders are issued:
- a. The application is allowed in terms of prayer (b) and (c).
 - b. Costs shall follow the event and are awarded to the applicant.

DELIVERED IN OPEN COURT AT ISIOLO THIS 13TH DAY OF MAY, 2024 IN THE PRESENCE OF:

Court assistant: Balozi/Rahma

HON. JUSTICE P.M NJOROGE

JUDGE

