



**Al-Buusaidy (Suing in his capacity as administrator to the Estate of Khola Binti Mohamed Bin Seif and Azzah Binti Mohamed bin Seif) v East Coast Syndicate Limited (Environment & Land Miscellaneous Case E036 of 2024) [2024] KEELC 6261 (KLR) (26 September 2024) (Ruling)**

Neutral citation: [2024] KEELC 6261 (KLR)

**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT AND LAND COURT AT MOMBASA**  
**ENVIRONMENT & LAND MISCELLANEOUS CASE E036 OF 2024**  
**NA MATHEKA, J**  
**SEPTEMBER 26, 2024**

**BETWEEN**

**SAIF SAID SAIF AL-BUUSAIDY (SUING IN HIS CAPACITY AS ADMINISTRATOR TO THE ESTATE OF KHOLA BINTI MOHAMED BIN SEIF AND AZZAH BINTI MOHAMED BIN SEIF) ..... EXPARTE APPLICANT**

**AND**

**EAST COAST SYNDICATE LIMITED ..... RESPONDENT**

**RULING**

- 1 The application is dated 24<sup>th</sup> June 2024 and is brought under Order 9 Rules of the *Civil Procedure Rules* 2010 Section 1A, 1B and 3A of the [Civil Procedure Act](#) seeking the following orders;
  1. That this Application be certified as urgent and be heard ex-parte.
  2. That this Honorable court be pleased to approve the appointment of Adam Jimmy Opoka as the legal attorney for Saif Said Saif Al - Busaidy, the registered owner of MOMBASA/BLOCK/278, 279, 280, 281, 283, 335, 335 and 337 original number PLOT MOMBASA/BLOCK XX/78, for purposes of instituting a suit for eviction against East Coast Syndicate Limited.
  3. Costs of this application.
- 2 It is based upon the grounds that the Applicant is by way of succession the legally registered owner of all that the property known as MOMBASA/BLOCK XX/278, 279, 280,281, 283, 335 and 337 original number MOMBASA/BLOCK XX/78 situate within the Mombasa Town. The said property was leased to the Respondent for 99 years by an indenture dated the 1<sup>st</sup> of December 1948. The said indenture has been breached by the Respondent and/or it's assignees however they persist in their occupation of the property to the Applicants' detriment hence necessitating the commencement



of eviction proceedings. The Applicant who is desirous of prosecuting the matter and taking back possession of the suit plots is presently in Oman and therefore acutely aware of the difficulty that may arise in securing their regular court attendance hence has appointed Adam Jimmy Opoka as his attorney thereof.

3 This court has considered the application which is *ex parte*. I have perused the annexed documentation and find a duly executed power of attorney marked AJO-1. A copy of the grant of letters of administration to the estates of Azzah Binti Mohammed and Khola Binti Mohamed Bin Seif marked AJO-2. A copy of the indenture marked AJO-3 and copies of the title deeds in the name of the applicants have also been attached. I find that this application is merited and I grant it with no orders as to costs.

4. It is so ordered.

**DELIVERED, DATED AND SIGNED AT MOMBASA THIS 26<sup>TH</sup> DAY OF SEPTEMBER 2024.**

**N.A. MATHEKA**

**JUDGE**

