



**Mohamed & 2 others v Hadi (Environment and Land Appeal  
27 of 2020) [2024] KEELC 7123 (KLR) (30 October 2024) (Ruling)**

Neutral citation: [2024] KEELC 7123 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT MOMBASA  
ENVIRONMENT AND LAND APPEAL 27 OF 2020  
NA MATHEKA, J  
OCTOBER 30, 2024**

**BETWEEN**

**ABDULRAI-MAN KHAMIS MOHAMED ..... 1<sup>ST</sup> APPELLANT**

**RIZIK BEREK KRAMIS ..... 2<sup>ND</sup> APPELLANT**

**ABDULRAI-MAN KLMANI ..... 3<sup>RD</sup> APPELLANT**

**AND**

**MOHAMED AHMED HADI ..... RESPONDENT**

**RULING**

1. The application is dated 17<sup>th</sup> June 2024 and is brought under Sections 1A, 3A, 63(e), 79B, 79C & Order 42 Rules 11 and 13 of the [Civil Procedure Act](#) and Rules seeking the following orders:
  - a. That this application be certified as urgent and heard ex-parte in the first instance.
  - b. That this Honourable court be pleased to give directions in the Appeal dated 11<sup>th</sup> September 2020.
  - c. That costs of this Application be provided for.
2. It is based on the following grounds that the Appellants/Respondents filed their Appeal on 11<sup>th</sup> September 2020 and nothing has been done ever since. The Respondent/Applicant implores this Court to deal with the matter and give directions on the same. The Appeal has been dormant for over 4 years and qualifies to be dismissed for want of prosecution. Justice delayed without explanation is justice denied and delay defeats equity. It is in the interest of justice that the orders sought herein be granted since the Appellants instituted the Appeal in 2020 and seem to have lost interest in it.
3. The application was served and it is not opposed. I have perused the court file and found that on the 20<sup>th</sup> March 2023 the Deputy Registrar ELC did request for the lower court file in order to process the



same. It appears the same has not been done. I find that this is an administrative matter to be handled by the Deputy Registrar. I therefore refer this matter to the Deputy Registrar for further action. There will be no orders as to costs as this application was undefended.

4. It is so ordered.

**DELIVERED, DATED AND SIGNED AT MOMBASA THIS 30<sup>TH</sup> DAY OF OCTOBER 2024.**

**N.A. MATHEKA**

**JUDGE**

