



REPUBLIC OF KENYA



Heartland Holdings Limited v Abdi & 5 others (Environment & Land Case 1286 of 2014) [2024] KEELC 7303 (KLR) (29 October 2024) (Directions)

Neutral citation: [2024] KEELC 7303 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE 1286 OF 2014**

**MD MWANGI, J
OCTOBER 29, 2024**

BETWEEN

HEARTLAND HOLDINGS LIMITED PLAINTIFF

AND

ABDIRAHIMAN MUHUMED ABDI 1ST DEFENDANT

PETER ELIUD MUTUA MAUNDU 2ND DEFENDANT

SAMUEL MUINDI 3RD DEFENDANT

AINU SHAMSI LIMITED 4TH DEFENDANT

AINU SHAMSI GROUP OF COMPANIES LTD 5TH DEFENDANT

CHIEF LAND REGISTRAR 6TH DEFENDANT

DIRECTIONS

1. Having heard from the Counsel representing the parties in the suits ELCC 1286/2014 (as consolidated with ELCC 579/2015) and ELCLC/E096/2024, the court gives the following directions;
 - A. Though the main suit in ELCC 1286/2014 (consolidated with 579/2015) was withdrawn, the Counterclaim and the suit ELCC 579/2015 remain distinct suits on their own. Consequently, ELC1286/2014 (as consolidated with ELCC 579/2015) shall remain the lead file for purposes of prosecution of the Counterclaim in ELCC 1286/2014 and the suit ELCC 579/2015.
 - B. To avoid any confusion, further directions in the pending application and the Preliminary Objection raised given in respect to the hearing of the Counterclaim in ELCC 1286/2014 and the main suit ELCC 579/2015, after the conclusion of the taxation proceedings currently going on before the Deputy Registrar of this court.



2. Further consolidation of ELCC 1286/2014 (as consolidated with ELCC 579/2015) and ELCLC E096/2024 is premature at this point in time in view of the pending application and the Preliminary Objection raised in ELCLC E096/2024. ELCLC E096/2024 shall in the meantime be returned to the court handling it (Lady Justice Omenge) for purposes of the hearing and disposal of the pending application and the Preliminary Objection raised.
3. Any party in either of the cases is at liberty to move the court formally on the consolidation of the suits at the opportune moment.
4. ELCLC E096/2024 will be mentioned before Lady Justice Omenge on 6th November 2024 for directions on the pending issues while ELCC 1286/2014 (as consolidated with ELCC 579/2015) shall be mentioned before Hon. Vincent Kiplagat on 19th November 2024 as earlier scheduled for directions in respect to the ongoing taxation.
5. A copy of this directions to be placed in both matters.

It is so ordered.

DIRECTIONS DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI THIS 29TH DAY OF OCTOBER 2024.

M.D. MWANGI

JUDGE

In the Virtual Presence of:-

Ms. Koki Mbulu for the 2nd & 3rd Defendants in ELCC 1286/2014, the Plaintiffs in 579/2015 & the 3rd & 4th Defendants in ELCLC/E096/2024

Mr. Odhiambo for the Plaintiffs in ELCLC/E096/2024

Mr. Modi for the Plaintiff in ELCC 1286/2014, the 1st, 3rd, 4th & 6th Defendants in ELCC 579/2015 and the 2nd Defendant in ELCLC/E096/2024

N/A for the 8th & 9th Defendants in ELCC 579/2015 and the 1st Defendant & Interested Party in ELCLC/E096/2024

Court Assistant: Yvette

M.D. MWANGI

JUDGE

