



REPUBLIC OF KENYA



KENYA LAW
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**Busaidi v Suleiman & others (Environment & Land Case E44 of 2023)
[2024] KEELC 14044 (KLR) (18 December 2024) (Ruling)**

Neutral citation: [2024] KEELC 14044 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MALINDI
ENVIRONMENT & LAND CASE E44 OF 2023
FM NJOROGE, J
DECEMBER 18, 2024**

BETWEEN

SULAIMAN MOHAMED AL BUSAIDI PLAINTIFF

AND

MUDARIS SULEIMAN & OTHERS DEFENDANT

RULING

1. An application dated 30/10/2023 has been made to this court seeking consolidation of the present suit with ELC No. E021 of 2021. The application is unopposed.
2. I have considered the application lodged in this suit. In ELC No. E021 of 2021 the claimants are the same as the defendants in the present suit. In that suit their cause of action is adverse possession in respect of the same land - Portion No 302 Malindi - that is the subject matter of the present suit. The plaintiff in the present suit is the administrator of the estate of the person sued as 1st defendant in ELC No. E021 of 2021.
3. I find that there are good grounds to order consolidation of the two suits. I hereby order that they be consolidated. Hearing had not commenced in both files but I note that the present suit was ripe for hearing and had been allocated a date in the past. I order that the present suit will be the lead file. The consolidated matters shall be mentioned before this court on 30/1/2025 for fixing of a hearing date.

RULING DATED, SIGNED AND DELIVERED AT MALINDI VIA ELECTRONIC MAIL ON THIS 18TH DAY OF DECEMBER 2024.

MWANGI NJOROGE

JUDGE, ELC, MALINDI

