



Case Number:	Environment and Land Case 001 of 2021
Date Delivered:	20 Dec 2021
Case Class:	Civil
Court:	Environment and Land Court at Isiolo
Case Action:	Ruling
Judge:	Peter Muchoki Njoroge
Citation:	Maryan Mohamed Cheabril v Michael Koome Mburugu & 6 others [2021] eKLR
Advocates:	-
Case Summary:	-
Court Division:	Environment and Land
History Magistrates:	-
County:	Isiolo
Docket Number:	-
History Docket Number:	-
Case Outcome:	-
History County:	-
Representation By Advocates:	-
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-
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REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT ISIOLO

ELCC NO. 001 OF 2021

MARYAN MOHAMED CHEABRIL (Suing as the administrator of the

Estate of Asha Jabril Mohamed (deceased).....PLAINTIFF

VERSUS

MICHAEL KOOME MBURUGU.....1ST DEFENDANT

ISIOLO COUNTY GOVERNMENT.....2ND DEFENDANT

JEDIEL KIRIMI RUTERE.....3RD DEFENDANT

THE CHIEF LAND REGISTRAR.....4TH DEFENDANT

THE NATIONAL LAND COMMISSION.....5TH DEFENDANT

THE DIRECTOR OF SURVEY.....6TH DEFENDANT

THE ATTORNEY GENERAL.....7TH DEFENDANT

RULING

1. This matter was fixed for hearing today. Advocate Mwirigi asked the court to adjourn the matter as his client, the 1st defendant, was out of the country on a work related assignment. I find that it has not been shown to the satisfaction of the court that hearing of this matter should be adjourned on account of the 1st defendant being out of the country on a frolic of his own.

2. Messrs Muriuki and Lakicha told the court that they were ready to proceed with the hearing.

3. Mr. Murango Mwenda, for the 3rd defendant, told the court that he had written to all advocates involved in this matter that he had a part heard murder case at Chuka which was proceeding today. He asked the court to adjourn the matter.

4. Mr. Muriuki informed the court that there was a matter in the Court of Appeal involving the same subject matter being canvassed in this suit. Mr. Lakicha confirmed that the matter had not been concluded but preferred that his client had given instructions that the Court of Appeal suit be withdrawn.

5. In view of the murder case at Chuka and the outstanding Court of Appeal case, I issue the following orders:

a) The hearing of this matter is adjourned.

b) During the next mention date, Mr. Lakicha will apprise the court regarding developments in Court of Appeal No. 205 of 2019 at Nyeri.

c) The plaintiff's advocate, Mr. Lakicha, will properly serve all the orders issued by the court today upon all absent parties.

d) By consent of all advocates present today, DIRECTIONS on 25/1/2022.

Ruling written and delivered in Open Court at Isiolo this 20th day of December, 2021 in the presence of:

Court Assistant: Denge

Lakicha for the plaintiff

Ken Muriuki for the 2nd defendant

Murango Mwenda for the 3rd defendant

Mwirigi Kaburu for the 1st defendant

HON. JUSTICE P. M. NJORGE

E.L.C JUDGE, ISIOLO



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