



**Ahmed v Nguli & 2 others (Tribunal Case E110 of 2023)
[2024] KEBPRT 1475 (KLR) (4 October 2024) (Ruling)**

Neutral citation: [2024] KEBPRT 1475 (KLR)

**REPUBLIC OF KENYA
IN THE BUSINESS PREMISES RENT TRIBUNAL
TRIBUNAL CASE E110 OF 2023
P MAY, MEMBER
OCTOBER 4, 2024**

BETWEEN

ABDI MOHAMMED AHMED TENANT

AND

JK NGULI 1ST RESPONDENT

HASSAN MOHAMMED HASSAN 2ND RESPONDENT

HAMDI MOHAMMED ALI 3RD RESPONDENT

RULING

1. The Tribunal delivered a ruling in this matter on 4th September, 2023. The applicant was aggrieved by the said ruling and has made an application vide the notice of motion dated 24/11/2023 to have the Tribunal clarify the said ruling. This presents a dicey situation for Tribunal as it has to proceed with caution lest it sits on its on appeal.
2. The applicant has sought clarification over the interpretation of the contents of paragraphs 8, 9 and 10 of the ruling. I have perused the said ruling. The same was to the largest extent drafted in plain English. With the greatest respect to the applicant and the firm of Billy Amendi and Company Advocates which firm drafted the pleadings including the present application, the application is misconceived. The ruling delivered on 4/9/2023, just like another other decisions of the Tribunal considered the positions set out by the parties. The applicant however, it would seem was determined to only consider their one-side of the story. The issue of them getting alternative premises was for instance mentioned under paragraph 9 of the replying affidavit sworn by the 1st Respondent on 27/2/2023.
3. It would seem like the applicant herein failed to appreciate the responses filed by the respondents and the peculiar legal regime which provided for redress mechanisms that governed both the applicant and the respondents. The application in my view is a subtle attempt to bestow the Tribunal with jurisdiction even where it has expressly found that the parties were to pursue remedies prescribed



under the [Refugees Act](#) before instituting the present proceedings. This is in line with the doctrine of exhaustion.

4. Once the Tribunal downed its tools, any orders that had been issued previously stood vacated. The status reverted to the one before the proceedings commenced. The Tribunal therefore cannot be led to make any determination on the relationship between the parties herein including the alleged eviction.
5. In the circumstances, the application dated 24/11/2023 is dismissed with costs to the respondents.

DATED, SIGNED AND DELIVERED VIRTUALLY THIS 4TH DAY OF OCTOBER, 2024

HON. PATRICIAL MAY

MEMBER

4.10.2024

Delivered in the presence of Ms. Khamalla holding brief for Amendi for the Tenant/Applicant

In the absence of the Respondents

