



Marima & 2 others v Purko Development Trust & 4 others (Civil Suit E005 of 2024) [2024] KEHC 9224 (KLR) (31 July 2024) (Ruling)

Neutral citation: [2024] KEHC 9224 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAROK
CIVIL SUIT E005 OF 2024**

**F GIKONYO, J
JULY 31, 2024**

BETWEEN

**EUNICE SAOINA MARIMA 1ST PLAINTIFF
PIARO OLE NORPOOR 2ND PLAINTIFF
MIKE OLE MARIA 3RD PLAINTIFF**

AND

**PURKO DEVELOPMENT TRUST 1ST DEFENDANT
CHAIRMAN PURKO DEVELOPMENT TRUST 2ND DEFENDANT
SELEILA OLE MWANIK 3RD DEFENDANT
THE GOVERNMENT NAROK COUNTY 4TH DEFENDANT
NAROK NORTH MEMBER OF PARLIAMENT 5TH DEFENDANT**

RULING

1. Respondents cannot be said to be in default as their time for filing replies has not expired.
2. At least Tuya has filed papers for the 3rd Respondent.
3. Opportunity to be heard is a Constitutional imperative and tenet of fair hearing. The Court cannot deny them.
4. The Applicant has not also stated when elections herein may be held: thereby withdrawing the foundation of urgent relief. The fact that counsel has stated that his clients are apprehensive that elections may be held against public interest, does not provide the much needed jab for urgent relief.
5. Accordingly, the Respondent should file their replies as ordered and the matter be set down for inter parte hearing.



6. Hearing of Application shall be on 26/09/2024.

**DATED, SIGNED, AND DELIVERED AT NAROK THROUGH MICROSOFT TEAMS ONLINE
APPLICATION THIS 31ST DAY OF JULY, 2024**

F. Gikonyo M.

Judge

In the presence of:

Court Assistant – Mr. Otolu

Stanley Dikir for Plaintiff/Applicant - Present

