



Kalenjin Auto Hardware Limited v Songok & 2 others (Environment & Land Case 777 of 2012) [2023] KEELC 16502 (KLR) (23 March 2023) (Ruling)

Neutral citation: [2023] KEELC 16502 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT ELDORET
ENVIRONMENT & LAND CASE 777 OF 2012**

**EO OBAGA, J
MARCH 23, 2023**

BETWEEN

KALENJIN AUTO HARDWARE LIMITED PLAINTIFF

AND

JOHN K SONGOK 1ST DEFENDANT

CLEMENTINA CHEBET SONGOK 2ND DEFENDANT

SOSIANI BUILDERS LIMITED 3RD DEFENDANT

RULING

1. This is a ruling in respect of a notice of a preliminary objection brought by the 1st Defendant on grounds that this suit is statute barred.
2. The parties were directed to file written submissions in respect of the preliminary objection. The 1st Defendant filed submissions on November 14, 2022. The Plaintiff filed submissions on November 17, 2022.
3. I have considered the submissions by the parties. The agreement between the parties herein was entered into on November 3, 2011. According to the pleadings, the purchase price was paid on various dates until 2003. This being the case, the suit is therefore not statute barred. I proceed to dismiss the preliminary objection with costs to the Plaintiff.

It is so ordered.

DATED, SIGNED AND DELIVERED AT ELDORET ON THIS 23RD DAY OF MARCH, 2023.

E. O. OBAGA

JUDGE

In the virtual presence of;



Ms. Odwa for Plaintiff.

Court Assistant –Laban

E. O. OBAGA

JUDGE

23RD MARCH, 2023

