



**Nkotiko & another v Letoluo (Environment & Land Case E008 of 2022)  
[2023] KEELC 21479 (KLR) (15 November 2023) (Ruling)**

Neutral citation: [2023] KEELC 21479 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NAROK  
ENVIRONMENT & LAND CASE E008 OF 2022  
CG MBOGO, J  
NOVEMBER 15, 2023**

**BETWEEN**

**KOINET OLE NKOTIKO ..... 1<sup>ST</sup> PLAINTIFF**

**KINTASUNYE ENE NKOITIKO ..... 2<sup>ND</sup> PLAINTIFF**

**AND**

**PETER TINKOI OLE LETOLUO ..... DEFENDANT**

**RULING**

1. When I retired to write the ruling in respect of the plaintiffs' Notice of Preliminary Objection dated July 8, 2023 and filed in court on 10<sup>th</sup> July, 2023 and upon the perusal of the pleadings contained in this file, I realized that this is a matter that falls within the jurisdiction of the magistrates' court. I have perused the plaint dated 27<sup>th</sup> July, 2022 where the plaintiffs have sought the following prayers: -
  - a. A declaration that the agreement dated 5<sup>th</sup> June, 2017 for the transfer of 70 acres from the land registered as CisMara/Olkinyei/1100 between the 1<sup>st</sup> plaintiff and defendant herein was fatally unprocedural, irregular, unjustified, baseless, unlawful, illegal, invalid and null and void ab initio.
  - b. An order of permanent injunction restraining the defendant from interfering with the plaintiffs' quiet possession and trespassing on land registered as CisMara/Olkinyei/1100.
  - c. In the alternative, this honourable court be pleased to order a refund of seventy-three (73) heads of cattle owed to the defendant or its equivalent in monetary terms as at the time of the agreement.
  - d. Costs of this suit; and
  - e. Any other relief the court deems fit to grant.



2. The plaint, in paragraph 8 stated; ‘that the amount owed to the defendant was a sum of Kenya Shillings one Million Two Hundred and Forty-Five Thousand which was equivalent to eighty-three heads of cattle with each head of cattle being Kshs. Fifteen Thousand. (15,000/-).’
3. In their prayer (c) of the plaint, the plaintiff sought an equivalent of the heads of cattle in monetary terms which in my view grants the magistrates’ court pecuniary jurisdiction to hear and determine the matter.
4. To this end, it would be preferable that this matter is heard before the magistrates’ court for determination. This court is hesitant to determine the notice of preliminary objection at this stage and directs that the same be heard by the magistrates’ court.
5. As such, this matter is transferred Narok Chief Magistrates’ court for hearing and determination on a priority basis. It is so ordered. Mention on 5<sup>th</sup> December, 2023 before the learned Chief Magistrate for further directions.

**DATED, SIGNED & DELIVERED VIA EMAIL on this 15<sup>TH</sup> day of NOVEMBER, 2023.**

**HON. MBOGO C.G.**

**JUDGE**

