



**Republic v Land Registrar, Uasin Gishu County; Ngetuny (Exparte Applicant);
Marimoi (Interested Party) (Environment and Land Case Judicial Review
Application E002 of 2023) [2023] KEELC 22242 (KLR) (7 December 2023) (Ruling)**

Neutral citation: [2023] KEELC 22242 (KLR)

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT ELDORET

ENVIRONMENT AND LAND CASE JUDICIAL REVIEW APPLICATION E002 OF 2023

EO OBAGA, J

DECEMBER 7, 2023

IN THE MATTER OF AN APPLICATION FOR ORDER OF JUDICIAL REVIEW

AND

**IN THE MATTER OF AN APPLICATION UNDER ORDER 53 RULE 31 OF THE
CIVIL PROCEDURE RULES AND SECTION 8 AND 9 OF THE LAW REFORMS ACT**

AND

IN THE MATTER OF SECTIONS 18 & 19 OF LAND REGISTRATION ACT NO. 3 OF 2012

AND

**IN THE MATTER OF AN APPLICATION FOR THE ORDERS OF MANDAMUS
AGAINST THE LAND REGISTRAR, COUNTY GOVERNMENT OF UASIN GISHU**

BETWEEN

REPUBLIC APPLICANT

AND

LAND REGISTRAR, UASIN GISHU COUNTY RESPONDENT

AND

ESTHER JEPCHUMBA NGETUNY EXPARTE APPLICANT

AND

JOHN MARIMOI INTERESTED PARTY



RULING

1. This is a ruling in respect of a notice of motion dated 1.11.2023 in which proposed 2nd Interested party/Applicant is seeking to be joined in these proceedings. The Applicant contends that she purchased part of the 1st Interested party's land. she states that her joinder will assist the court to dispense justice.
2. The Applicant's application was opposed by the Ex-parte/Respondent based on a replying affidavit filed on 16.11.2023. The Respondent contends that joinder of the Applicant will add no value in this case where the orders sought have already been granted and there is nothing remaining for the court to determine.
3. I have considered the Applicant's application as well as the opposition to the same by the Respondent. The only issue for determination is whether the Applicant should be joined in these proceedings. The Respondent filed an application seeking to compel the Land Registrar to establish the boundary between her land and the neighbouring parcels. This application was served upon all parties but on the hearing date, no response had been filed. The application was allowed as prayed. The court is only awaiting a report from the Land Registrar on determination of the boundary dispute.
4. The purpose of joinder of a party is to assist the court to effectually and completely adjudicate on the dispute before it. In the instant case, there is nothing pending determination by the court save for receiving the report of the resolution of the boundary dispute between the parties. There is therefore nothing which the Applicant can add into this matter which has already been determined through the Court's ruling of 1.11.2023. I proceed to dismiss the Applicant's application with costs to the Exparte Applicant/Respondent.

It is so ordered.

DATED, SIGNED AND DELIVERED AT ELDORET ON THIS 7TH DAY OF DECEMBER, 2023.

E. O. OBAGA

JUDGE

In the virtual presence of;

Mr. Mwetich for Ex-parte Applicant.

M/s Kosgei for 1st Interested party.

Court Assistant - Laban

E. O. OBAGA

JUDGE

7TH DECEMBER, 2023

