



**Kitur & another v Land Registrar, Nandi County; Jepkoech (Suing as the Legal Representative of the Estate of Kitur Arap Misoi - Deceased) (Interested Party) (Environment & Land Case 100 of 2021) [2025] KEELC 3587 (KLR) (24 April 2025) (Ruling)**

Neutral citation: [2025] KEELC 3587 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT KAPSABET  
ENVIRONMENT & LAND CASE 100 OF 2021  
GMA ONGONDO, J  
APRIL 24, 2025**

**BETWEEN**

**PHILIP KIPROP KITUR ..... 1<sup>ST</sup> PLAINTIFF**

**CHERUIYOT KITUR ..... 2<sup>ND</sup> PLAINTIFF**

**AND**

**LAND REGISTRAR, NANDI COUNTY ..... DEFENDANT**

**AND**

**JULIA JEPKOECH (SUING AS THE LEGAL REPRESENTATIVE OF THE ESTATE OF KITUR ARAP MISOI - DECEASED) ..... INTERESTED PARTY**

**RULING**

1. The interested party/applicant, Julia Jepkoech (Suing as the Legal Representative of the estate of KITUR ARAP MISOI-DECEASED) through Bitok and Sambu Advocates, has sought to wholly withdraw the application dated 21<sup>st</sup> April 2025 with no orders as to costs as per the notice of withdrawal dated 23<sup>rd</sup> April 2025.
2. The said application relates to the orders issued by this court on 4<sup>th</sup> March 2025 in respect of subdivision of land parcel number Nandi /Mutwot/XX0.
3. The revelation from the record is that application has not been duly served on the respondents.
4. It is borne in mind that the withdrawal sought by the applicant herein is within the discretion of this court; see also M & E Consulting Engineers Limited-vs-Lake Basin Development Authority and another (2015) eKLR.
5. In the instant circumstances, the notice of withdrawal is meritorious.



6. Accordingly, the Application dated April 21, 2025 is hereby marked as withdrawn with no orders as to costs being guided by the proviso to section 27 (1) of the *Civil Procedure Act* Chapter 21 Laws of Kenya and the case of Rai & 3 others-vs-Rai & 4 others (2014) eKLR.

7. It is so ordered.

**DATED AND DELIVERED VIRTUALLY THIS 24<sup>TH</sup> DAY OF APRIL 2025**

**G M A ONGONDO**

**JUDGE**

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