



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
CIVIL SUIT NO.315 OF 2010
IN THE MATTER OF LAND NO.LINGONOT/KIJABE
BLOCK 2 (UTHERI WA LARI COMPANY LIMITED)
1 TO 7956 NAKURU
AND
IN THE MATTER OF SECTION 38 OF THE
LIMITATION OF ACTIONS ACT CHAPTER 22 AND
ORDER XXXVI RULES 9(1), (2) 9 3D, 3F, 5, 8, 8A, 10,
11 AND 12 OF THE CIVIL PROCEDURE (REVISED)
RULES OF THE LAWS OF KENYA

KENNEDY PULEI 1ST APPLICANT
TINANKA OLE KANTIM 2ND APPLICANT
PASTOR SILAS OLE KOIL 3RD APPLICANT
NEKURSAI OLE MUSEI 4TH APPLICANT
KORIO OLE TUUKUO 5TH APPLICANT
KINTALEL OLE NTINA 6TH APPLICANT
SABAYA OLE KOTIKASH 7TH APPLICANT
SENTO NGUSSUR OLE MASARI 8TH APPLICANT
PAUL PARKINYIARO LEKERIN 9TH APPLICANT
TEKERO OLE POREKA 10TH APPLICANT

(Suing on their own behalf and of 513 members of Kedong

**Valley (Kitet) Masai Community whose names are set out to
the schedule attached to this suit)**

VERSUS

UTHERI WA LARI CO. LTD 1ST RESPONDENT

THE CHIEF LAND REGISTRAR 2 ND RESPONDENT

THE DISTRICT LAND REGISTRAR.....3 RD RESPONDENT

J.M. GATOME

T/A GATOME & ASSOCIATES 4 TH RESPONDENT

PETER NDUNGU GODFFREY NJIHIA

AND 203 OTHERS PROPOSED INTERESTED PARTY

RULING

The application dated 13/06/2014, seeks that 1 st to 204th proposed Interested Parties be enjoined in this suit, as Interested Parties as their presence would facilitate the effectual and complete adjudication of the questions involved in this suit. This is because the parcel **Longonot/Kijabe Block 2 (Utheri Wa Lari Co. Ltd) 1 to 7956 Nakuru** (which is the suit land) has since been subdivided and the parcels created from it, allocated to individual title holder. The proposed Interested Parties are among the individuals who were issued with titles to their respective parcel of land. The prayers in this suit seek that the applicants be declared owners of the entire suit land including the parcels owned by the Proposed Interested Parties.

The Proposed Interested Parties have annexed copies of their title documents to demonstrate that they have a genuine claim/interest in the suit land. Infact the applicants in this suit have already obtained interim orders whose effect is to deny the Proposed Interested Parties the access to their parcels.

The application is unopposed.

Having considered the ownership documents annexed by the Proposed Interested Parties, and the nature of orders sought by the applicants based on the doctrine of adverse possession, I am persuaded that it is vital that they be enjoined in this suit, as their participation is vital in determining the real issues in dispute. Further, I am persuaded that from the nature of the orders sought, the Proposed Interested Parties would be adversely affected by the outcome of the proceedings, as they ought to be included in the matter and be given a chance to present evidence with regard to the issue of ownership of the property and its use.

I hold that the application is merited and properly conceded. The leave sought to enjoin the 204 individuals as Interested Parties is merited and is allowed.

Having stated that, I believe this is a matter which ought to be handled by the ELC Judge as it relates to ownership and use of land. I therefore direct that this file be transferred to the ELC Registry so as to be registered there.

Delivered and dated this 31st day of July, 2014 at Nakuru.

H. A. OMONDI

JUDGE