



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KERICHO

MISCELLANEOUS APPLICATION NO. 10 OF 2010(JR)

IN THE MATTER OF THE LAND TRIBUNAL ACT (NO.18 OF 1990)

BETWEEN

NELSON LANGAT.....APPLICANT

AND

OLENGURUONE LAND DISPUTES TRIBUNAL.....1ST DEFENDANT

THE RESIDENT MAGISTRATE, MOLO.....2ND DEFENDANT

KIPLANGAT OLE SENGENGET.....INTERESTED PARTY

RULING

By a Notice of Motion dated 21/4/2010, the ex parte applicant, **NELSON LANGAT**, applied for an **order of certiorari** to remove into this Court for quashing the order dated 16/02/2010 made by the Principal Magistrate Court at Molo in case No.16 of 2009 and an award of the Olenguruone Land Disputes Tribunal dated 21/5/2009.

The leave granted by this Court to the ex parte applicant to file the Notice of Motion for the **order of certiorari** was to operate as a stay of proceedings relating to the order dated 16/2/2010 and the award of the Olenguruone Land Disputes Tribunal. Ostensibly, the Interested Party, **Kiplangat Ole Seng Senget**, did not obey the order for stay and as a result, the ex parte applicant brought the application by Notice of Motion dated 26/11/2010 seeking orders for the said Interested Party to be punished for Contempt of

Court.

On 19/1/2011, Mr. W. R. Kiprono, Learned Counsel for the ex parte applicant, and Mr. P. K. Rugut, Learned Counsel for the Interested Party, recorded a consent in Court to the effect.

(i) that so as to purge his contempt, the Interested Party shall allow the ex parte applicant to return to the suit land and return the ex parte applicant's household goods removed from the ex parte applicant's house and once this happens the Interested Party shall be deemed to have purged his contempt and the application dated 26/11/2010 shall stand disposed of on these terms. There shall be liberty to either party to apply.

(ii) that the Notice of Motion dated 21/4/2010 be allowed and prayers 1 and 2 be granted and

(iii) costs of this suit be borne by the Interested Party.

I have perused the application and the consents relating to them as herein- above recorded. I am satisfied that they accord with what is fair.

Accordingly, I order that the said applications, that is to say the Motion dated 26/11/2010 and the Motion dated 21/4/2010 are disposed of in terms of the consents herein-above recorded by both Counsels.

DATED at KERICHO this 25th Day of **JANUARY**, 2011

G B M KARIUKI, SC

RESIDENCE JUDGE

COUNSEL APPEARING

Mr. W.R. Kiprono, Advocate, for the Applicant

Mr. P.K. Rugut, Advocate, for the Interested Party

Mr. R. Koech, Court clerk