



**Ngoitela v Simira (Environment & Land Case 64 of 2019)
[2022] KEELC 15086 (KLR) (23 November 2022) (Ruling)**

Neutral citation: [2022] KEELC 15086 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO
ENVIRONMENT & LAND CASE 64 OF 2019
MN GICHERU, J
NOVEMBER 23, 2022**

BETWEEN

KELOI OLE KIKUA NGOITELA PLAINTIFF

AND

NJANGUTUTI PAMPAI SIMIRA DEFENDANT

RULING

1. It has come to my notice that on November 1, 2022, I delivered a judgment in ELC Case No 247 of 2017. In that case, the plaintiff is third defendant while the defendant herein is the first defendant.
2. Though the suit land herein namely, Kajiado/Osilalei/318 is not specifically mentioned in ELC 247 of 2017, it is part and parcel of what used to be Osilalei Group Ranch and the judgment of November 1, 2021 applies to it as well.
3. For the above reasons, I direct that the judgment in ELC Case No 247 of 2017 applies to this case, *mutatis mutandis*.
4. I will also award the costs of this suit to the defendant for the singular reason that though the plaint dated July 15, 2019 contains the paragraph that says that there is no pending or previous suit between the parties over the same subject matter, this is not entirely true because of ELC 247/2017.

Order accordingly.

**DATED SIGNED AND DELIVERED VIRTUALLY AT KAJIADO THIS 23RD DAY OF
NOVEMBER, 2022.**

M N GICHERU

JUDGE

