



**Lasoi (As administrator & heir of the Estate of Solomon Kipkorir Arap Lasoi)
& 2 others v Cheruiyot & 10 others (Environment & Land Case 472 of 2016 &
54 of 2020 (Consolidated)) [2022] KEELC 14873 (KLR) (17 November 2022) (Ruling)**

Neutral citation: [2022] KEELC 14873 (KLR)

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAKURU
ENVIRONMENT & LAND CASE 472 OF 2016 & 54 OF 2020 (CONSOLIDATED)
FM NJOROGE, J
NOVEMBER 17, 2022

BETWEEN

**DIANA LEE LASOI (AS ADMINISTRATOR & HEIR OF THE ESTATE OF
SOLOMON KIPKORIR ARAP LASOI 1ST PLAINTIFF**
LEA CHERONO SHABANGI 2ND PLAINTIFF

AND

JOHN KIPTOO CHERUIYOT 1ST DEFENDANT
PETER K CHERUIYOT 2ND DEFENDANT
COLLINS K CHEPKWONY 3RD DEFENDANT
JANE CHEPKORIR BARBARET 4TH DEFENDANT
CAREN CHEPKURUI MUTAI 5TH DEFENDANT
CAROLINE CHEBET 6TH DEFENDANT
SAMWEL KIPNGETICH KITUR BETT 7TH DEFENDANT
COUNTY LANDS REGISTRAR NAKURU COUNTY 8TH DEFENDANT

AS CONSOLIDATED WITH
ENVIRONMENT & LAND CASE 54 OF 2020

BETWEEN

CAROLINE CHEBET PLAINTIFF

AND

DIANA LEE LASOI 1ST DEFENDANT



LEA CHERONO SHABANGI 2ND DEFENDANT

LEONARD KIPNGETICH CHELULE 3RD DEFENDANT

RULING

1. This matter is scheduled for hearing today. Mr Karanja rises up after the matter is called and applies to have the defendant documents – list of witnesses and documents and witness statements admitted into the record before the defence case proceeds.
2. Mr Chelule naturally opposes that application on behalf of the plaintiffs.
3. The subject documents were filed on November 8, 2022, that is 8 days, before the hearing date.
4. This court notes that the defendants were culpable of great delays in their lethargic pursuit of this matter and that they have come too late in the day. As I write down this ruling, Mr Chelule offers to have Mr Karanja’s clients’ newly filed documents admitted by consent if only to allow the case to proceed to its conclusion today. I am informed that there is no defence filed by the plaintiffs filed in the lower court case and that there is also no defence filed by the defendants in the ELC case (this case). This state of affairs leaves the court in doubt as to whether any justice would be done in the matter but as the parties appear to desire to proceed while that state of the records remains as it is now, this court is inclined to consider their opinion and give its own opinion thereon.
5. The matter appears not ready for hearing today whether the documents are admitted or not. I think I will not rule on whether Mr Karanja’s clients’ documents should be admitted into the record until he files a formal application, supported by his clients’ affidavit as to the inordinate delay and leave it at that. This hearing is adjourned.
6. The defendants Nos 2 – 7, for their role in occasioning this uncertain state of affairs are hereby ordered to pay the costs of this day and I assess the global sum thereof in the sum of Kshs 20,000/= payable to the plaintiffs before the next mention date. This matter shall be mentioned on December 5, 2022 for further directions.

DATED, SIGNED AND DELIVERED AT NAKURU IN OPEN COURT ON THIS 17TH DAY OF NOVEMBER, 2022.



**MWANGI NJOROGE
JUDGE, ELC, NAKURU**

