



**Lelei v Kimeto (Environment & Land Case 1 of 2024)  
[2025] KEELC 4083 (KLR) (28 May 2025) (Ruling)**

Neutral citation: [2025] KEELC 4083 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT KAPSABET  
ENVIRONMENT & LAND CASE 1 OF 2024  
GMA ONGONDO, J  
MAY 28, 2025**

**BETWEEN**

**ELIZABETH JEPKEMBOI LELEI ..... PLAINTIFF**

**AND**

**MILKA JEROP KIMETO ..... DEFENDANT**

**RULING**

1. By an application dated 5th day of May 2025, Elizabeth Jepkemboi Lelei through Duncan Tallam and company advocates is seeking contempt of court orders against the defendant/respondent as regards disobedience of court orders given on 7<sup>th</sup> April 2025 in respect of Land parcel numbers Nandi/ Ndulele/ 983 and 426.
2. The application is opposed by the defendant/respondent through Rotich, Langat and Partners Advocates and prayed that the application be dismissed with costs for being, *inter alia*, defective and frivolous.
3. Mr Tallam learned counsel for the plaintiff/applicant has sought to withdraw the application with no orders as to costs to pave way for the hearing and disposal of the suit. That the matter has taken a different dimension on the ground.
4. Mr Rotich learned counsel for the defendant/respondent is in agreement with the intended withdrawal of the application for the hearing of the suit.
5. It is trite law that the choice by a party to withdraw a matter before court having given reasons thereof as a general rule, cannot be taken away from that party; see *Council of Governors-vs-Senate & another*; SC Reference No. 1 of 2014 (2014) eKLR.
6. In the instant application, learned counsel for the plaintiff/applicant has given sufficient reasons for withdrawal of the same.



7. Notably, the withdrawal of the application to allow the hearing of the suit is merited and in step with Article 159 (2) (b) of the Constitution of Kenya 2010 which provides;

Justice shall not be delayed

8. In the premises, it is the finding of this court that interim orders are in place and the application dated 5<sup>th</sup> May 2025 is hereby marked as withdrawn with no orders as to costs.

9. It is so ordered.

**DATED AND DELIVERED AT KAPSABET THIS 28<sup>TH</sup> DAY OF MAY 2025**

**G M A ONGONDO**

**JUDGE**

PRESENT;

1. Mr. Duncan Tallam, Learned Counsel for the plaintiff/applicant
2. Mr. Moses Rotich, Learned Counsel for the defendant/respondent
3. Walter, Court Assistant

