



Rono (Suing as the Legal Representative of the Estate of Simeon Kiprono Kurgat - Deceased) v Rono & 7 others (Environment & Land Case E002 of 2025) [2025] KEELC 4012 (KLR) (26 May 2025) (Ruling)

Neutral citation: [2025] KEELC 4012 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAPSABET
ENVIRONMENT & LAND CASE E002 OF 2025**

GMA ONGONDO, J

MAY 26, 2025

BETWEEN

**TIMON KIPLAGAT RONO PLAINTIFF
SUING AS THE LEGAL REPRESENTATIVE OF THE ESTATE OF SIMEON
KIPRONO KURGAT - DECEASED**

AND

**PRISCAH JEROTICH RONO 1ST DEFENDANT
ELIZABETH JEMUTAI RONO 2ND DEFENDANT
RUTH JEPKEMBOI RONO 3RD DEFENDANT
SUSAN JEPKORIR 4TH DEFENDANT
JANET JEBET 5TH DEFENDANT
CHRISTINE JEPTOO RONO 6TH DEFENDANT
PHILIP KIPCHUMBA MAIYO 7TH DEFENDANT
LAND REGISTRAR, NANDI COUNTY 8TH DEFENDANT**

RULING

1. This ruling pertains to the plaintiff's Notice of Withdrawal dated 7th March 2025 as regards the pending Notice of Motion dated 28th February 2025 (The application) and the Plaint of even date in entirety with no orders as to costs.



2. In the present matter, the plaintiff/applicant is seeking, inter alia, injunctive relief against the defendants/respondents over the suit parcels of land reference numbers Nandi/Ndalat Settlement/122, 124 and 125.
3. Ms. Christabel M. Otuma instructed by Momanyi Gichana and Company Advocates learned counsel for the plaintiff/applicant implored the court to allow the notice of withdrawal. That there has been no response to the application and the suit. That the plaintiff/applicant intends to pursue Kapsabet ELCLC No. E004 of 2025.
4. Mr. Muhatia Pala learned counsel for the 5th defendant/respondent referred to the Notice of Appointment of Advocate dated 24th March 2025 herein by the 1st defendant/respondent. However, he has no opposition to the withdrawal of this matter as the 1st defendant/respondent intends to file papers in Kapsabet ELCLC No. E004 of 2025.
5. So, is the notice of withdrawal meritorious?
6. The notice of withdrawal was lodged on 7th March 2025 while the notice of appointment was filed on 24th March 2025.
7. 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.
8. Learned counsel for the plaintiff/applicant has provided sufficient reasons for withdrawal of this suit in entirety.
9. Notably, the withdrawal sought by the applicant herein is within the discretion of this court; see M & E Consulting Engineers Limited-vs-Lake Basin Development Authority and another (2015) eKLR.
10. In the premises, I find the notice of withdrawal of the suit is firm and merited.
11. Wherefore, the notice of withdrawal dated 24th March 2025, be and is hereby allowed hence, the instant suit in entirety is marked as withdrawn with no orders as to costs.

DATED AND DELIVERED AT KAPSABET THIS 26TH DAY OF MAY 2025.

G. M. A ONGONDO

JUDGE

Present;

1. Ms. C M Otuma instructed by Momanyi Gichana, Learned Counsel for the plaintiff/applicant
2. Mr. Muhatia Pala, Learned Counsel for the 5th defendant/respondent
3. Mr. Walter Kipkorir, Court Assistant

