



Rop v Ng'eny alias Kimaiyo arap Ng'eny Mzee arap Ruto (Enviromental and Land Originating Summons E014 of 2024) [2025] KEELC 435 (KLR) (5 February 2025) (Ruling)

Neutral citation: [2025] KEELC 435 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAPSABET
ENVIROMENTAL AND LAND ORIGINATING SUMMONS E014 OF 2024
GMA ONGONDO, J
FEBRUARY 5, 2025**

BETWEEN

GEOFFREY KIPLAGAT ROP PLAINTIFF

AND

DANIEL KIMAIYO NG'ENY ALIAS KIMAIYO ARAP NG'ENY MZEE ARAP RUTO DEFENDANT

RULING

1. This ruling concerns an application by way of a Notice of Motion dated 5th December 2025 by the plaintiff/applicant, Geoffrey Kiplagat Rop through Rotich, Langat and Partners Advocates seeking the orders infra;
 - a. Spent
 - b. Spent
 - c. Spent
 - d. That the Honourable court be pleased to issue temporary orders of injunction and or maintenance of status quo prevailing at the moment on the subject matter Nandi/Kapkures/ 217 (The suit land) meaning the applicant is in gainful possession and occupation of a portion of the subject matter measuring 1.0 acres pending hearing and determination of this suit.
 - e. The OCS Koitabut Police Station to provide security during the implementation of the orders of this Honourable court to prevent miscarriage of justice, law and order.
 - f. Costs be provided in favour of the applicant.
2. The applicant anchored the application upon the grounds on it's face and the applicant's supporting affidavit together with the accompanying documents including a certificate of official search and a sale



agreement. In a nutshell, the applicant laments that the suit land is registered in the name of the 1st defendant. That on 21st September 2021, he purchased it from the 1st defendant and took possession of same. That he planted maize and eucalyptus trees which the defendants destroyed and chased him away from the suit land hence, precipitating the application.

3. The defendants/respondents were duly served with the application as disclosed in the affidavit of service sworn on 4th February 2025 by Robinson O. Getange, an authorised process server of this court.
4. Mr Moses Rotich learned counsel for the plaintiff/applicant therefore, urged that prayers 4, 5 and 6 in the application, be granted.
5. In the foregone, is there merit in the application to attract the orders sought in the same?
6. This court is guided by Order 40 of the *Civil Procedure Rules 2010* on injunctions and temporary orders as well as the case of *Giella v Cassman Brown & Co. Ltd* (1973) EA 358 on the conditions as regards injunctions.
7. It is important to note that injunctive orders are meant to preserve property and maintain status quo; see *Hutchings Biemer Ltd v Barclays Bank of Kenya Ltd & 2 others* [2006] eKLR.
8. The applicants have sought interim preservation orders herein. This court has the mandate to grant interim preservation orders including the orders sought in the application as provided for under section 13 of the *Environment and Land Court* 2015 (2011).
9. It is therefore, the finding of this court that the application is steadfast and meritorious.
10. Wherefore, the application is hereby allowed in terms of maintenance of status quo, provision of security and costs sought therein and as set out in paragraph 1 (d) (e) and (f) hereinabove.
11. It is so ordered.

DATED AND DELIVERED AT KAPSABET THIS 5TH DAY OF FEBRUARY 2025.

G. M. A ONGONDO

JUDGE

PRESENT;

Mr Moses Rotich learned counsel for the applicant

Plaintiff/Applicant

Walter, court assistant

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