



REPUBLIC OF KENYA



**Chelagat v Kemboi (Environment & Land Miscellaneous Case
E009 of 2025) [2025] KEELC 1009 (KLR) (4 March 2025) (Ruling)**

Neutral citation: [2025] KEELC 1009 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAPSABET
ENVIRONMENT & LAND MISCELLANEOUS CASE E009 OF 2025
GMA ONGONDO, J
MARCH 4, 2025**

BETWEEN

SALLY CHELAGAT APPLICANT

AND

KIPROTICH ARAP KEMBOI RESPONDENT

RULING

1. In an application by way of Notice of Motion dated 10th February 2025, the applicant through Rotich, Langat and Partners Advocates, is seeking the orders infra;
 - a. That this Honourable Court be pleased to issue orders transferring the cause Kapsabet Cmelc No 32 Of 2019 Kiprotich Arap Kemboi -vs – Sally Chelagat filed in the Chief Magistrate’s Court at Kapsabet to the Environment and Land Court of Kenya at Kapsabet to allow fair, just, equitable and expeditious disposition of the cause.
 - b. That Costs of this Application be provided for in the cause.
2. The application is founded upon the grounds, inter alia;
 - a. That the Applicant herein is the Defendant in Kapsabet Cmelc No.32 Of 2019 Kiprotich Arap Kemboi -crs- Sally Chelagat filed in the Chief Magistrate’s Court at Kapsabet.
 - b. That the Applicant in her Defence and Counterclaim dated 5th February, 2021 and filed on 5th July, 2021 as well as Notice of Preliminary Objection dated 7th July 2021 and filed on 13th July 2021 raised facts claiming adverse possession on the suit land parcel Nandukombe/275.
 - c. That the applicant wishes to have the cause transferred to the Environment and Land Court to avoid filing of a duplicate suit at the Environment and Land Court at Kapsabet over the same subject matter and same parties.



3. There is no response to the application by the respondent,
4. In that regard, the issue for determination pertains to the merit of the application.
5. This court is duly guided by sections 1A, 1B, 3, 3A, 5, 18 of the Civil Procedure Act Chapter 21 Laws of Kenya, section 3, 13 and 19 of the Environment and Land Court Act 2015 (2011) and Article 159 (2) (b) of the Constitution of Kenya 2010 herein.
6. By the grounds of the application and in the ends of justice, I find the application merited.
7. A fortiori, the suit at Kapsabet Chief Magistrate's court is hereby transferred in terms of prayers 2 and 3 of the application as set out in paragraph 1 (a) and (b) hereinabove.
 1. It is so ordered.

DATED AND DELIVERED AT KAPSABET THIS 4TH DAY OF MARCH 2025.

G .M .A ONGONDO

JUDGE

Present

Walter, court assistant

