



**Saina & 2 others (As Administrators of the Estate of Kipsaina Tarus alias Kipsaina Arap Tarus alias Kipsaina s/o Tarus – Deceased) v Achina (Environment & Land Case E032 of 2022) [2025] KEELC 3757 (KLR) (7 May 2025) (Ruling)**

Neutral citation: [2025] KEELC 3757 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT KAPSABET  
ENVIRONMENT & LAND CASE E032 OF 2022  
GMA ONGONDO, J  
MAY 7, 2025**

**BETWEEN**

**MIKE KIPNGETICH SAINA ..... 1<sup>ST</sup> APPLICANT**

**SAINAH KIPLAGAT ELIJAH ..... 2<sup>ND</sup> APPLICANT**

**HOSEA KIPROP SAINA ..... 3<sup>RD</sup> APPLICANT**

**AS ADMINISTRATORS OF THE ESTATE OF KIPSAINA TARUS ALIAS  
KIPSAINA ARAP TARUS ALIAS KIPSAINA S/O TARUS – DECEASED**

**AND**

**KIMUREI ARAP ACHINA ..... RESPONDENT**

**RULING**

1. The plaintiffs’ counsel, Mr Kipkosigei Choge notified and sought to withdraw the instant suit on the basis that the grant in respect of the Estate of Kipsaina Tarus alias Kipsaina Arap Tarus alias Kipsaina s/o Tarus-Deceased, was revoked hence, an impact on the claim herein.
2. The suit was originated by way of an originating summons dated 9<sup>th</sup> November 2022 for orders infra;
  - a. That this Honourable Court declares that the Registered Proprietor’s Interest, his Succession in title, presumed Administrators of the Estate of the registered proprietor, or whomsoever claiming through him that may be and or may have been registered as the proprietor of the whole Nandi/Sigot/3 occupied, possessed and used by the Applicants, be extinguished.
  - b. That the Honourable Court be pleased further to order and direct that the whole Suit Land Nandi/Sigot/3 be vested on the Applicants ((as Administrators of the Estate of Kipsaina Tarus alias Kipsaina Arap Tarus alias Kipsaina s/o Tarus – Deceased).



3. Clearly, there is no response to the originating summons not duly served.
4. Notably, it is the right of the plaintiffs to withdraw the suit and the court has the discretion to allow it; see *Beijing Industrial Designing & Researching Institute-vs-Lagoon Development Ltd* (2015) eKLR.
5. Further, I associate myself with Mativo J (Now, JA) in the case of *Priscilla Nyambura Njue-vs-Geovhem Middle East Ltd, Kenya Bureau of Standards (Interested party)* (2021) eKLR that the withdrawal of suit is itself its end.
6. In the present case, I find the application for withdrawal of the instant suit merited.
7. A fortiori, this suit is hereby marked as withdrawn with no orders as to costs.
8. It is so ordered.

**DATED AND DELIVERED AT KAPSABET THIS 7<sup>TH</sup> DAY OF MAY 2025.**

**G M A ONGONDO**

**JUDGE**

Present;

Mr K. Choge learned counsel for the plaintiffs

Mr Walter Kipkorir, court assistant

