



Saina & 2 others (As Administrators of the Estate of Kipsaina Tarus alias Kipsaina Arap Tarus alias Kipsaina s/o Tarus – Deceased) v Kurgat (Environment and Land Case E033 of 2022) [2025] KEELC 3772 (KLR) (7 May 2025) (Ruling)

Neutral citation: [2025] KEELC 3772 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAPSABET
ENVIRONMENT AND LAND CASE E033 OF 2022**

GMA ONGONDO, J

MAY 7, 2025

BETWEEN

MIKE KIPNGETICH SAINA 1ST APPLICANT

SAINAH KIPLAGAT ELIJAH 2ND APPLICANT

HOSEA KIPROP SAINA 3RD APPLICANT

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

AND

SIMEON ARAP KURGAT RESPONDENT

RULING

1. Mr Kipkosigei Chege learned counsel for the plaintiffs has sought to withdraw this suit on the strength that the grant in respect of the Estate of Kipsaina Tarus alias Kipsaina Arap Tarus alias Kipsaina s/o Tarus-Deceased, was revoked hence, an impact on the claim herein.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. Notably, the plaintiffs commenced the suit by an Originating Summons dated 9th November 2022 seeking orders, *inter alia*;
 - (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/29 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/29 be vested on the Applicants ((as Administrators of the Estate of Kipsaina Tarus alias Kipsaina Arap Tarus alias Kipsaina s/o Tarus – Deceased.



3. It is borne in mind that the plaintiffs have the right to withdraw the suit and the court has the discretion to allow it as held in *[Beijing Industrial Designing & Researching Institute v Lagoon Development Ltd](#)* (2015) eKLR.
4. No doubt, the withdrawal of suit is itself its end; see *[Priscilla Nyambura Njue v Geobem Middle East Ltd, Kenya Bureau of Standards \(Interested party\)](#)* (2021) eKLR.
5. In the premises, I find the application for withdrawal of the instant suit meritorious.
6. The upshot is that this suit is hereby marked as withdrawn with no orders as to costs.
7. It is so ordered.

DATED AND DELIVERED AT KAPSABET THIS 7TH DAY OF MAY 2025.

G M A ONGONDO

JUDGE

Present;

Mr K. Choge learned counsel for the plaintiff

Walter, court assistant

