



**Saina & 2 others (As Administrators of the Estate of Kipsaina Tarus alias Kipsaina arap Rarus alias Kipsaina s/o Tarus (Deceased)) v Bundotich (Enviromental and Land Originating Summons E034 of 2022) [2025] KEELC 3786 (KLR) (7 May 2025) (Ruling)**

Neutral citation: [2025] KEELC 3786 (KLR)

**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT AND LAND COURT AT KAPSABET**  
**ENVIROMENTAL AND LAND ORIGINATING SUMMONS E034 OF 2022**  
**GMA ONGONDO, J**  
**MAY 7, 2025**

**BETWEEN**

**MIKE KIPNGETICH SAINA ..... 1<sup>ST</sup> PLAINTIFF**  
**SAINAH KIPLAGAT ELIJAH ..... 2<sup>ND</sup> PLAINTIFF**  
**HOSEA KIPROP SAINA ..... 3<sup>RD</sup> PLAINTIFF**  
**AS ADMINISTRATORS OF THE ESTATE OF KIPSAINA TARUS ALIAS**  
**KIPSAINA ARAP RARUS ALIAS KIPSAINA S/O TARUS (DECEASED)**

**AND**

**MARITIM ARAP BUNDOTICH ..... RESPONDENT**

**RULING**

1. The plaintiffs' counsel, Mr Kipkosigei Choge has sought to withdraw the present 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that the grant in respect of the Estate of Kipsaina Tarus alias Kipsaina Arap Tarus alias Kipsaina s/o Tarus-Deceased, was revoked hence, an impact on the claim herein.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 generated by way of an originating summons dated 9<sup>th</sup> November 2022 for orders as follows;
  - 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/47 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/47 be vested on the Applicants ((as Administrators of the Estate of Kipsaina Tarus alias Kipsaina Arap Tarus alias Kipsaina s/o Tarus – Deceased).



3. The plaintiff has the right 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.
4. Notably, the withdrawal of suit is itself its end as observed in *Priscilla Nyambura Njue-vs-Geovhem Middle East Ltd, Kenya Bureau of Standards (Interested party)* (2021) eKLR.
5. It is thus, the finding of the court that the application for withdrawal of the instant suit is merited.
6. A fortiori, this suit is hereby marked as withdrawn with no order of costs.
7. 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 plaintiff

Walter, court assistant

