



Saina & 2 others (As Administrators of the Estate of Kipsaina Tarus alias Kipsaina arap Tarus alias Kipsaina s/o Tarus (Deceased)) v Korja (Environment & Land Case E035 of 2022) [2025] KEELC 3791 (KLR) (7 May 2025) (Ruling)

Neutral citation: [2025] KEELC 3791 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAPSABET
ENVIRONMENT & LAND CASE E035 OF 2022**

GMA ONGONDO, J

MAY 7, 2025

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

BETWEEN

MIKE KIPNGETICH SAINA 1ST PLAINTIFF

SAINAH KIPLAGAT ELIJAH 2ND PLAINTIFF

HOSEA KIPROP SAINA 3RD PLAINTIFF

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

AND

OMOET ARAP KORJA RESPONDENT

RULING

1. Mr Kipkosigei Choge learned counsel for the plaintiffs sought to withdraw the instant suit on the premise that the grant in respect of the Estate of Kipsaina Tarus alias Kipsaina Arap Tarus alias Kipsaina s/o Tarus-Deceased, was revoked hence, an impact on the claim herein.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. This suit was brought by way of an Originating Summons dated 9th November 2022 for the 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/48 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/48 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 withdrawal the suit and the court has the discretion to allow it; see *Beijing Industrial Designing & Researching Institute-vs-Lagoon Development Ltd* (2015) eKLR.
 4. Moreover, 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 it's end.
 5. In the premises, I find the application for withdrawal of the instant suit merited.
 6. A fortiori, this suit is hereby marked as withdrawn with no orders as to costs.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

0.12 JUDGE

Present;

Mr K. Choge learned counsel for the plaintiff

Walter, court assistant

