



Atabo (Suing as the Legal Representatives of the Estate of the Late Sarah Atambo) v Land Registrar Kitale & another (Environment & Land Case 54 of 2021) [2025] KEELC 4309 (KLR) (9 June 2025) (Ruling)

Neutral citation: [2025] KEELC 4309 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KITALE
ENVIRONMENT & LAND CASE 54 OF 2021**

CK NZILI, J

JUNE 9, 2025

BETWEEN

CATHERINE ORONDO ATABO (SUING AS THE LEGAL REPRESENTATIVES OF THE ESTATE OF THE LATE SARAH ATAMBO) PLAINTIFF

AND

THE LAND REGISTRAR KITALE 1ST DEFENDANT

PROF BEN WAFULA WANJALA 2ND DEFENDANT

RULING

1. This Ruling relates to a Preliminary Objection raised by the 2nd defendant following directions issued on 5/2/2025. The 2nd defendant relies on written submissions dated 10/2/2025 that the suit offends Section 7 of the *Limitation of Actions Act* and on lack of *locus standi*.
2. The court has looked at the ruling dated 29/3/2023. Similar issues were heard and determined by this court. The Preliminary Objection as raised is not a pure point of law. I decline the invitation. The issues ventilated in the written submission dated 10/2/2025 are based on contested facts or evidence. The 2nd defendant is at liberty to incorporate them at the hearing. The suit is directed to be heard on merits.
3. The matter be listed for a mention on 23/7/2025.
4. Orders accordingly.

RULING DATED, SIGNED, AND DELIVERED VIA MICROSOFT TEAMS/OPEN COURT AT KITALE ON THIS 9TH DAY OF JUNE 2025.

HON. C.K. NZILI

JUDGE, ELC KITALE.



In the presence of:

Court Assistant - Laban

Mr.Kakai for plaintiff present

Mr. Nyakundi for the 2nd defendant present

1st defendant- A.G. absent

