



**Ololoisa v Tongoyo (Environmental and Land Originating Summons
27 of 2020) [2025] KEELC 5314 (KLR) (14 July 2025) (Ruling)**

Neutral citation: [2025] KEELC 5314 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAROK
ENVIRONMENTAL AND LAND ORIGINATING SUMMONS 27 OF 2020**

MN KULLOW, J

JULY 14, 2025

**IN THE MATTER OF LIMITATION OF ACTIONS ACT CAP 22
AND
IN THE MATTER OF A CLAIM FOR ADVERSE POSSESSION
PURSUANT TO SECTION 38 OF LIMITATION OF ACTION ACT**

BETWEEN

LEKUTA OLOLOISA PLAINTIFF

AND

PARSALOI OLE TONGOYO DEFENDANT

RULING

1. The Defendant/Applicant had filed a Preliminary objection dated 6th November 2020 stating that the suit herein offends the provision of *Civil Procedure Act* in so far as there exist another matter being Narok Suit No. 6 of 2020 pending before the Chief Magistrate's Court between the Defendant and the Plaintiff herein.
2. It is the Defendant's contention that this matter is thus sub-judice
3. I have thus considered the Preliminary Objection raised and the submissions filed by the Defendant's counsel, I do find that there exists another suit filed before the Magistrate Court in Narok, and therefore in present suit before is thus sub-judice
4. However, having perused both files I do find that the substance of the suit is same and relates to the same subject matter and consequently, I will allow the Preliminary Objection dated the 6th November 2020 and find that this matter is sub-judice.

It is so ordered!



DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI ON 14TH DAY OF JULY, 2025.

MOHAMMED N. KULLOW

JUDGE

Ruling delivered in the presence of: -

..... for the Plaintiff

..... for the Defendants

Philomena W. Court Assistant

