



**Wamalwa & 11 others v Pentecostal Evangelistic Fellowship of Africa -
Soy (Registered Trustees) & 5 others (Environmental and Land Originating
Summons 14 of 2014) [2025] KEELC 5326 (KLR) (15 July 2025) (Judgment)**

Neutral citation: [2025] KEELC 5326 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT ELDORET
ENVIRONMENTAL AND LAND ORIGINATING SUMMONS 14 OF 2014**

EM WASHE, J

JULY 15, 2025

**IN THE MATTER OF: SECTION 7, 17 & 38 OF THE
LIMITATION OF ACTIONS ACT CAP 22 LAWS OF KENYA**

&

**IN THE MATTER OF: SECTION 28 & 30 OF THE
REGISTRATION OF LANDS ACT CAP 300 LAWS OF KENYA**

&

**IN THE MATTER OF: ADVERSE POSSESSION IN RESPECT TO
L.R. NO. 6455/1 (SOY) (CERTIFICATE OF TITLE I.R. NO.**

11290)

**RESIDENTS OF SOY B VILLAGE ON PLOT NO. 6455/1
(SOY) (CERTIFICATE OF TITLE I.R. NO. 11290 THROUGH**

BETWEEN

**MARTIN SHIKUKU WAMALWA 1ST PLAINTIFF
KIPRONO CHEPKWONY KORIR 2ND PLAINTIFF
BERNAD WAMALWA WEKESA 3RD PLAINTIFF
ABRAHAM MALESU WEDIBA 4TH PLAINTIFF
JESSICA MURUNGA ODE 5TH PLAINTIFF
DANIEL KORIR 6TH PLAINTIFF
ESTHER NAKHUMICHA SIMIYU 7TH PLAINTIFF
MARGARET KHAKAJA SIMIYU 8TH PLAINTIFF**



MARGARET KHISA 9TH PLAINTIFF
IRENE NEKESA 10TH PLAINTIFF
PHILIP KEMBOI 11TH PLAINTIFF
PETER BOXTER MUNIALO 12TH PLAINTIFF

AND

**PENTECOSTAL EVANGELISTIC FELLOWSHIP OF AFRICA - SOY
(REGISTERED TRUSTEES) 1ST DEFENDANT**
SIMON OBAYO 2ND DEFENDANT
NATIONAL LAND COMMISSION 3RD DEFENDANT
ATTORNEY GENERAL 4TH DEFENDANT
COUNTY LAND SURVEYOR, UASIN GISHU COUNTY 5TH DEFENDANT
COUNTY LAND REGISTRAR, UASIN GISHU COUNTY 6TH DEFENDANT

JUDGMENT

1. The Plaintiffs through the Amended Originating Summons dated 25.05.2023 (hereinafter referred to as “the present OS”) sought the determination of the following issues against the Defendants; -
 - i. Whether the Applicants have been in occupation of and/or in possession of that entire parcel of land known as L.R. No. 6455/1 (Soy) (Certificate of Title I.R No. 11290) for more than 12 years without interruption, non-consensually, notoriously, exclusively, openly, peacefully, continuously and/or without force.
 - ii. Whether the Applicants have acquired title to the same by adverse possession.
 - iii. Whether the 1st Respondent’s title (if any genuine title exists) has been extinguished by operation of the law.
 - iv. Whether or not the 1st Respondent’s registration (if any), could defeat the Applicant’s entitlement to the same by way of adverse possession.
 - v. Whether the Applicants should be registered as proprietors of land parcel L.R No. 6455/1 (Soy) (Certificate of Title I.R No. 11290).
 - vi. Who shall bear the costs of this suit.
2. The facts relied upon by the Plaintiffs to resolve the above issues are contained in the Supporting Affidavit sworn by the Plaintiffs on the 25.05.2023 and can be summarised as follows;-
 - i. The Plaintiffs are residents of the property known as LR. No. 6455/1 (IR.No.11290) measuring approximately 27.5 acres within a place known as Soy within Uasin Gishu County (hereinafter referred to as “the suit property”).
 - ii. The Plaintiffs pleaded that they entered into the suit property in the year 1957 and have been in actual possession and use of the said suit property.



- iii. The Plaintiffs were of the considered view that their occupation on the suit property has been for a period exceeding 12 years without any interruption and disposition and therefore the 1st and 2nd Defendants rights over the same are extinguished.
 - iv. The Plaintiffs sought to have this Court recognise and declare that the suit property be registered in their names on behalf of the residents of Soy B Village.
 - v. The Plaintiffs disclosed in their pleadings that there has been two other proceedings names Uasin Gishu Land Dispute Tribunal No. 16 of 2017 and Eldoret High Court Appeal No. 248 “B” of 2010 between the Plaintiffs and the 1st and 2nd Defendants over the portion of land occupied by the Plaintiffs.
 - vi. Further to the above, the Plaintiffs also disclosed that the suit property was a Leasehold for a period of 99 years from 01.03.1909 which ended on the 28.02.2008.
 - vii. Based on the expiry of the Lease, the suit property reverted back to the Government of Kenya and the Plaintiffs herein ought to be given the first priority in the allocation of the same.
 - viii. The Plaintiffs pleaded that the National Land Commission in execution of its mandate visited the suit property to verify the persons in occupation but there has been no feedback on the persons entitled for allocation and/or settlement.
 - ix. However, the Plaintiffs averred that there were well aware that the 3rd to 6th Defendants had issued a Title Deed to the 1st Defendant for the suit property disregarding the occupation, use and ownership rights on the Plaintiffs herein.
 - x. In essence, the Plaintiffs stated that the 3rd to 6th Defendants actions of issuing a new title document to the 1st Defendant over the suit property was illegal and infringed on the Constitutional rights thereof.
3. The present OS was duly served on all the Defendants for their response.
 4. The 3rd to 6th Defendants did not file any pleadings and/or participate in hearing of the present OS.
 5. On the other hand, the 1st and 2nd Defendants opposed the present OS through a Joint Replying Affidavit dated 19.12.2023.
 6. The 1st and 2nd Defendants Replying Affidavit adduced the following grounds in opposition of the present OS; -
 - i. The 1st and 2nd Defendants pleaded that the present OS was unmeritorious, frivolous and an abuse of the Court process.
 - ii. According to the 1st and 2nd Defendants, the 1st Defendant was registered as the owner of the property known as LR. No. Soy/Soy Block 10 (Navillus)/2182 measuring approximately 8.094 Hectares formerly LR. No. 6455/2.
 - iii. The 1st and 2nd Defendants averred that the Plaintiffs were squatters within a portion of land belonging to Lonrho Agribusiness (EA) Limited and were to be allocated land on the property known as LR. No. Soy/Soy Block 10 (Navillus)/51.
 - iv. Consequently, the 1st and 2nd Defendants denied that the Plaintiffs occupation is in the property known as LR. No. Soy/Soy Block 10 (Navillus)/2182 registered in the name of the 1st Defendant.



- v. The 1st and 2nd Defendant denied the Plaintiffs claim for adverse possession on the ground that they had not demonstrated and proved the ingredients of granting the same.
 - vi. In addition to the above, the 1st and 2nd Defendants referred to the proceedings known as Uasin Gishu Land Tribunal Award No. 16 of 2007 and Eldoret High Court Appeal No. 248B of 2010.
 - vii. In both proceedings, the determination was that the Plaintiffs should occupy the property known as LR. No. Soy/Soy Block 10 (Navillus)/51 and not the 1st Defendant's property known as LR. No. Soy/Soy Block 10 (Navillus)/2182 based on the Judgement pronounced on 09.12.2013 in the proceeding known as Eldoret High Court Appeal No. 248B of 2010.
 - viii. In concluding their Replying Affidavit, the 1st and 2nd Defendants stated that the present OS was Res Judicata and should not be granted.
7. On the 02.07.2024, the Court directed the present OS to be converted to a Plaint and the Replying Affidavit deemed as a Defence and the annexures therein be deemed as the list of documents.

Plaintiffs Case

- 8. The Plaintiffs case began on the 17.10.2024 with the testimony of the 1st Plaintiff known as Martin Shikuku Wamalwa who was marked as PW1.
- 9. PW 1 introduced himself as a resident of Soy within Uasin Gishu County.
- 10. PW 1 informed the Court that he had prepared, executed and filed a witness statement dated 25.05.2025 of which he adopted the same as his evidence in chief.
- 11. In support of his evidence in Chief, PW 1 produced the following documents; -
 - PW1 exhibit 1 - Copy of Certificate of Title dated 16/02/1955.
 - PW1 exhibit 2 - Copy of the Tribunal's award dated 16/04/2007.
 - PW1 exhibit 3 - Copy of the eviction order dated 16/04/2007.
 - PW1 exhibit 4 - Copy of the judgment dated 09/12/2013
 - PW1 exhibit 5 - Copy of the search dated 25/08/2015
 - PW1 exhibit 7(a) - Copy of Letter dated 09/10/2015
 - PW1 exhibit 7(b) - Copy of the Letter dated 25/10/2015.
 - PW1 exhibit 8 - Copy of the letter dated 10/03/2016
- 12. After the production of the above documents, PW1 testified that their claim is against the suit property which was owned by Soy Settlement Limited who purchased it from one Edward William Macleay in 1955.
- 13. PW 1 informed the Court that the suit property was a Lease from the Government of Kenya commencing on 01.03.1909 for a period of 99 years.
- 14. PW 1 further averred that the suit property was sub-divided into five portions namely LR. No. 6455/1 TO 5.



15. The suit property was then registered in the name of Soy Settlement Limited, LR. No. 6455/3 in the name of Soy Turbo District Council, LR. No. 6455/4 in the name of Wareng County Council and LR. No. 6455/5 in the name of Sotik Wattle Company Limited.
16. PW 1 averred that the suit property was then left to one Mr. Brown who left the Country in 1958 without transferring the same to anyone.
17. Nevertheless, before Mr. Brown left the Country, the suit property was also occupied by two missionaries namely Caroline and Rev. Headman and who built the first Church on the suit property around 1970.
18. PW 1 insisted that since the early 1950s, they had been in occupation of the suit property until recently when the leadership of the 1st Respondent wrote a demand letter seeking vacant possession of the suit property.
19. On further inquiry of the 1st Respondent's ownership, the 1st Respondent produced a Title Documents over the suit property.
20. PW 1 referred to the proceeding of the Uasin Gishu Land Dispute Tribunal Case No. 16 of 2007 and stated that the property in dispute was LR. No. Soy/Soy Block 10 (Navillus)/2182 which they were ordered to vacate as it belonged to the 1st and 2nd Respondents.
21. PW 1 informed the Court that at the time when the Eviction Orders in the proceeding known as Uasin Gishu Land Dispute Tribunal Case No. 16 of 2017 were issued in the year 2010, the Lease over the Suit property had since lapsed in the year 2008 and surrendered back to the Government of Kenya.
22. PW 1 confirmed in his testimony that various persons who were members of Soy Tuiyobei Squatters Group were settled on the property known as LR. No. Soy/Soy Block 10 (Navillus)/ 51, they were not part of the said group and therefore did not get any portions of land on the said property.
23. PW1 testifies that they reported the matter to the Uasin Gishu County Land Management Board who visited the land on 25/10/2015 and thereafter wrote to the NLC who responded vide letter dated 10/03/2016 directing the County Land Administration Officer to visit the land and file a report, but this is yet to be done.
24. PW 1 therefore sought the Court to grant them Orders to occupy the suit property which is different from the property known as LR. No. Soy/Soy Block 10 (Navillus)/51 and LR. No. Soy/Soy Block 10 (Navillus)/2182.
25. On cross-examination, PW1 testified that they had not sued Soy Settlement Limited who is the owner of the land, and conceded that despite the expiry of the lease, he had not exhibited any evidence that they had applied to be allocated the suit property.
26. PW1 testified that according to the judgment of the Tribunal, the land was in the name of the church and they were squatters who were settled on Soy/Soy Block 10(Navillus)/51.
27. PW 1 confirmed that in the proceeding before the Uasin Gishu Land Dispute Tribunal, the 1st and 2nd Respondents were the Claimants while the Respondents were the Plaintiffs in this suit.
28. PW 1 admitted that there is no documentary evidence that had been tabled before for the Court demonstrating their occupation of the suit property save for the proceedings at the Uasin Gishu Land Dispute Tribunal that was dealing with LR. No. Soy/Soy Block 10 (Navillus)/2182.



29. PW 1 nevertheless insisted that the eviction Orders issued before the Uasin Gishu Land Dispute Tribunal are actually what was used to evict them from the suit property.
30. PW 1 admitted that the Plaintiffs had appealed the decision of the Uasin Gishu Land Dispute Tribunal through Eldoret High Court Appeal No. 248B of 2010 but insisted that the property they were in occupation was not the property known as LR. No. Soy/Soy Block 10 (Navillus)/2182 which was the subject matter of the proceeding.
31. PW 1 informed the Court that indeed, the Plaintiffs were evicted in 2010 and had been out of the 1st and 2nd Respondents registered property for about 4 years as at the time of filing the present suit.
32. PW 1 confirmed to the Court that the sub-division known as LR. No. 6455/2 is what was converted to LR. No. Soy/Soy Block 10 (Navillus)/2182 registered in the name of the 1st Defendant and measures approximately 8.094 Hectares.
33. On re-examination, PW1 testified that he did not agree with the decision of the tribunal as the parcel number indicated is wrong.
34. PW 1 reiterated that upon lapse of the lease the land had reverted to the government, therefore the Plaintiffs should be given first priority to own their respective portions.
35. At the end of PW1's testimony the Plaintiffs closed their case.

Defendants Case.

36. The Defence hearing commenced with the testimony of Simon Obayo which is the 2nd Defendant and was marked as DW 1.
37. DW 1 introduced himself as a resident of Soy and confirmed that he had prepared, executed and filed a Witness Statement dated 28.08.2024 of which he adopted the same as his evidence in chief.
38. In support of his evidence, DW 1 produced the following documents; -
 - DW1 exhibit 1 - Copy of a title deed to L.R. No. Soy/Soy Block 10(Navillus)/2182 issued on 17/08/2009.
 - DW1 exhibit 2-Copy of a letter dated 7/04/2008 from Director of Survey to Commissioner of Lands over the amendment of RIM of Soy/Soy Block 10 formerly L.R. No. 6455/2 to Navillus/2182.
 - DW1 exhibit 3-Copy of a letter dated 02/11/1999 from EATEC to chair of Tuiyobei Squatters Group.
 - DW1 exhibit 4 - An application for consent dated 26/01/1999 made by Lornho in favour of Trustees of Soy Tuiyobei Squatters Group in relation to Soy Block 10 (Navillus)/51.
 - DW1 exhibit 5 - Copy of consent to transfer dated 30/08/1999 in favour of Soy Tuiyobei Squatters Group in relation to Soy/Soy Block 10(Navillus)/51.
 - DW1 exhibit 6 - Copy of a letter dated 08/03/2004 from Chief Soy location to DO Soy Division.
 - DW1 exhibit 7 - Minutes of Land Disputes Tribunal Uasin Gishu dated 15/03/2007 in relation to the dispute over L.R No. 6455/2.
 - DW1 exhibit 8 - Copy of a ruling by the Tribunal dated 16/04/2007.
 - DW1 exhibit 9 - Copy of an eviction order issued on 16/07/2010 in CMCC Award No. 18 of 2007.
 - DW1 exhibit 10 - Copy of a judgment in Civil Appeal No. 248B of 2010 delivered on 09/12/2013.



- DW1 exhibit 11 - Copy of a decree issued on 14/03/2014 in respect of the judgment.
- DW1 exhibit 12 - copy of a letter dated 30/04/2015 from the County Land Surveyor to the OCPD Eldoret West district in respect to Soy/Soy Block 10(Navillus)/2182.
39. DW1 then testified that he did not know the property known as L.R No. 6455/1.
40. DW 1 clarified that the property known as LR. No. Soy/Soy Block 10 (Navillus)/2182 is owned by the 1st Defendant and is different from the suit property being claimed by the Plaintiffs.
41. DW 1 informed the Court that the 1st Defendant's title over the property known as LR. No. Soy/Soy Block 10 (Navillus)/2182 was issued in the year 2009 while the present suit was filed in the year 2014.
42. DW 1 therefore sought this Court to dismiss the present suit with costs.
43. On cross-examination, DW1 informed the Court that the property known as LR. No. Soy/Soy Block 10 (Navillus)/ 2182 was passed down by missionaries who had returned to America so they had no agreement for sale, and that the only document they had is the title deed.
44. DW1 stated that the Plaintiffs were on another property, that is L.R. No. 6455/1 and not their property.
45. DW 1 on being referred to DW1 exhibit 9 averred that initially, the Plaintiffs had occupied the property known as LR. No. Soy/Soy Block 10 (Navillus)/2182 but were evicted after the Appeal before the High Court was determined.
46. DW 1 could not however state the period within which the Plaintiffs and been on the 1st Defendant's land known as LR. No. Soy/Soy Block 10 (Navillus)/2182 prior to the eviction.
47. On re-examination, DW1 testified that the property known as LR. No. Soy/Soy Block 10 (Navillus)/2182 was registered and occupied by the 1st Defendant.
48. After this brief re-examination, the 1st and 2nd Defendants closed their case.
49. The other Defendants having not participated in the proceedings, their cases were similarly closed.
50. The Court directed parties to file their written submissions and the Plaintiffs filed their submissions on the 24.04.2025 while the 1st and 2nd Defendants filed their submissions on the 22.04.2025.
51. The Court has indeed perused the pleadings, the evidence on record, the testimonies of the parties and the submissions filed herein and identified the following issues for determination: -
- Issue No. 1- Who is the registered owner of the suit property?
- Issue No. 2- Are the Plaintiffs entitled to a claim of adverse possession over the suit property?
- Issue No.3- Are the Plaintiffs entitled to orders that the government of Kenya should allocate the suit property to them?
- Issue No. 4- are the Plaintiffs entitled to the orders sought in this present suit?
- Issue No. 5- Who bears the costs of the present suit?
52. The court having identified the above-mentioned issues for determination, the same will now be discussed as herein below.



Issue No. 1- Who is the registered owner of the suit property?

53. The first issue for determination is who is the registered owner of the suit property in the present suit.
54. According to the Amended OS which was converted to a Plaint, the Plaintiffs claim was adverse possession on the Title known as LR. No. 6455/1.
55. According to the Plaintiffs, the suit property was registered in the name of the 1st Defendant and occupied by both the 1st and 2nd Defendants.
56. During the examination in chief by PW 1, he testified that the property known as LR. No. 6455/1 was registered in the name of Soy Settlement Limited.
57. Further to the above, PW 1 averred that the property known as LR. No. 6455/1 which is the subject matter of this suit was a Lease of 99 years from 01.03.1909.
58. Consequently, the ownership of the suit property constructively ended on the 01.03.2008.
59. As such, the Plaintiffs were of the considered view that after the expiry of the Lease over the suit property, the 3rd to 6th Defendants allocated the land to the 1st Defendant without following procedure and subsequently issued another title known as LR. No. Soy/Soy Block 10 (Navillus)/2182 to the 1st Defendant over the same portion of land in which they have been in occupation since 1950s.
60. The 1st and 2nd Defendants on the other hand denied that the property known as LR. No. Soy/Soy Block 10 (Navillus)/2182 emanated from the expired Lease of the property known as LR. No. 6455/1.
61. The 1st and 2nd Defendants averred and testified before the Court that the property known as LR. No. Soy/Soy Block 10 (Navillus)/ 2182 was created from the sub-division known as LR. No. 6455/2.
62. In essence, the 1st and 2nd Defendants pleaded and submitted that the property known as LR. No. Soy/Soy Block 10 (Navillus)/2182 was different from the suit property and there is not link between the two properties.
63. During the cross-examination of PW 1, he also admitted that the 1st and 2nd Defendants property known as LR. No. Soy/Soy Block 10 (Navillus)/2182 was created out of the property known as LR. No. 6455/2.
64. Based on the facts above, there is no doubt the 1st Defendant's property known as LR. No. Soy/Soy Block 10 (Navillus)/2182 was created out of the property known as LR. No. 6455/2 and not the suit property being claimed by the Plaintiffs known as LR. No. 6455/1.
65. Similarly, it is both pleaded and in the testimony of PW 1 that the suit property known as LR. No. 6455/1 was recorded in the name of Soy Settlement Limited.
66. According to the pleadings by the Plaintiffs and the testimony of PW 1, the Lease of the suit property began on the 01.03.1909 and was for a period of 99 years.
67. In essence, according to the testimony of PW 1 and document produced as PW 1 exhibit 5, there is no doubt that the Lease to the suit property expired on the 01.03.2008 and the same surrendered back to the Government of Kenya.
68. Once the Lease of the suit property was expired on the 01.03.2008, the ownership of the same reverted back to the Government of Kenya thereafter.



69. In conclusion therefore, this Court hereby makes a finding that the suit property known as LR. No. 6455/1 is Public Land held by the 3rd Defendant on behalf of all citizens of Kenya and is not in any way connected to the 1st Respondent's property known as LR. No. Soy/Soy Block 10 (Navillus)/2182 which was created from the property known as LR. No. 6455/2.

Issue No. 2- Are the Plaintiffs entitled to a claim of adverse possession over the suit property?

70. The second issue is whether the Plaintiffs are entitled to a claim of adverse possession over the suit property.
71. As the Court tries to answer this question, it is important to state that the Plaintiffs had originally filed an Amended OS.
72. The cause of action by the Plaintiffs in the Amended OS was their occupation of the suit property for a period of more than 12 years prior to institution of the said OS.
73. However, due to the allegation that the suit property had been unlawfully alienated by the 3rd to 6th Defendants and registered in the name of the 1st Defendant, the Court converted the Amended OS into a Plaint on the 02.07.2024 so that the issues of the procedure in alienation of the suit property to the 1st Defendant could be canvassed at the hearing.
74. The interpretation of this Court on the conversion of the Amended OS to a Plaint done on the 02.07.2024 is that extinguished the Plaintiffs claim of Adverse possession over the suit property and opened the door for the Court to make a determination of whether the suit property is the same as LR. No. Soy/Soy Block 10 (Navillus)/2182 and if it was, how was the same alienated and registered in the name of the 1st Defendant.
75. Unfortunately, the Plaintiffs either intentionally and unintentionally continued to prosecute this matter as if it was still a claim of Adverse possession yet the issues had extensively changed by the conversion of the Amended OS to a Plaint on the 02.07.2024.
76. The Plaintiffs misdirection of the factual issues and the applicable law before the Court is manifested in the final submissions dated 24.04.2025 which continue to deal with the claim of adverse possession yet the Amended OS had been converted into a Plaint long ago.
77. Be as it may, the Court having made a finding that the suit property is public land based on the fact that the Lease of LR. No. 6455/1 expired on the 01.03.2008, Section 41 of the Limitation of Action Act barred the Plaintiffs from seeking any claim of adverse possession over public land.
78. As such, the Plaintiffs claim of adverse possession over the suit property is not sustainable as the same is public land held by the 3rd Defendant in trust for the citizens of the Republic.

Issue No.3- Are the Plaintiffs entitled to orders that the government of Kenya should allocate the suit property to them?

79. The third issue is whether or not this Court should direct the 3rd Defendant to give priority to the Plaintiffs in terms of allocation of the suit property.
80. The Plaintiffs have are pleaded and were of the considered view during their testimony that they have been in occupation of the suit property for over a period of 50 years.



81. The Plaintiffs pleaded and testified that their occupation was on the suit property known as LR. No. 6455/1 which was later alienated as LR. No. Soy/Soy Block 10 (Navillus)/2182 and registered in the name of the 1st Defendant.
82. Consequently, the Plaintiffs were of the view that this Court should nullify the alienation of suit property known as LR. No. 6455/1 as LR. No. Soy/Soy Block 10 (Navillus)/2182 and registered in the name of the 1st Defendant and upon having cancelled the said property known as LR. No. Soy/Soy Block 10 (Navillus)/2182, the 3rd Defendant be directed to alienate the original suit property known as LR. No. 6455/1 to the Plaintiffs based on their period of occupation.
83. Unfortunately, this Court has already made a finding that the 1st Defendant's property known as LR. No. Soy/Soy Block 10 (Navillus)/2182 did not emanate from the suit property known as LR. No. 6455/1 but the property known as LR. No. 6455/2.
84. This being the case, this Court has no reason to temper with the 1st Defendant's property known as LR. No. Soy/Soy Block 10 (Navillus)/2182.
85. The Court having said so, the alienation of the suit property known as LR. No. 6455/1 which is public land is subject to the provisions of the [National Land Commission Act](#), No. 5 of 2012.
86. The [National Land Commission Act](#), No. 5 of 2012 has clear provisions of how the 3rd Defendant is to administer and alienate public land and this Court will not usurp the Statutory mandate of the 3rd Defendant in favour of Plaintiffs as sought in this suit.
87. In essence, this Court hereby declines to give any directives to the 3rd to 6th Defendants on the alienation and/or administration of the suit property previously known as LR. No. 6455/1 as sought by the Plaintiffs herein.

Issue No. 4- Are the Plaintiffs entitled to the Orders sought in this present suit?

88. Based on the findings of this Court on Issues 1,2 and 3, the Plaintiffs suit herein is not merited and the reliefs sought cannot be granted.

Issue No. 5- Who Bears The Costs of the Present Suit?

89. The Plaintiffs having not succeeded to prosecute their claim, the Defendants are awarded costs.

Conclusion

90. In conclusion, the Court hereby makes the following Orders in determination of the Amended OS dated 24.05.2023; -
 - a. The amended Os dated 25th march, 2023 and converted to a plaint on the 02.07.2024 be and is hereby dismissed.
 - b. The Plaintiffs jointly and severally are condemned to pay costs of this proceeding to the Defendants herein.

DATED, SIGNED & DELIVERED VIRTUALLY AT ELDORET ELC THIS 15TH DAY OF JULY 2025.

EMMANUEL.M. WASHE

JUDGE



In the presence of:

Court Assistant: Brian

Plaintiffs: Mr. Amaasa for the Applicants

Defendants: Ms. Orikodi holding brief Mr. Maathai for the 1st and 2nd Respondent

Ms. Cheruiyot holding brief Mr. Tigo for the 4th and 6th Respondents

Mr. Obino for the 3rd Respondent

