



Choge & 2 others v Kirwa & another (Environment & Land Case 93 of 2014) [2024] KEELC 6418 (KLR) (3 October 2024) (Ruling)

Neutral citation: [2024] KEELC 6418 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT ELDORET
ENVIRONMENT & LAND CASE 93 OF 2014**

**EO OBAGA, J
OCTOBER 3, 2024**

BETWEEN

**ABRAHAM KIPROP CHOGE 1ST PLAINTIFF
NELSON KIPYEGO CHOGE 2ND PLAINTIFF
ELPHAS KIPSHIRCHIR CHOGE 3RD PLAINTIFF**

AND

**THOMAS KIRWA 1ST DEFENDANT
ABRAHAM ROTICH 2ND DEFENDANT**

RULING

1. This is a ruling in respect of a Notice of motion dated 24.6.2024 in which the Applicant seeks the following orders:-
 1. Spent.
 2. That the Honourable court be pleased to issue an order directing that the Defendant/ Respondents jointly and severally, their agents and/or servants, their property including crops be evicted and/or removed from Land Reference number Plateau/Kipkabus Block 4 (Lelmokwo)/24 in accordance with the Judgement delivered in court on 30th June, 2022.
 3. That the County Police Commander Uasin Gishu County and the OCS Naiberi Police Station be ordered to provide security during the eviction.
 4. That the firm of Eshikoni Auctioneers of P.O. Box 8441-30100 Eldoret be ordered to execute the order of eviction.
 5. That the process of eviction be carried in a humane manner.



6. That the costs of the application be provided for.
2. The Applicants contend that in a judgement delivered on 30.6.2022, this court directed that the Applicants were the lawful owners of LR. No. Plateau/Kipkabus Block 4 (Lelmokowo)/24 (suit property). The Respondents were asked to vacate the suit property. Warrants for their removal were duly served upon them but they did not move out.
3. The Respondents moved to the Court of Appeal and filed an application for leave to appeal against the judgement of 30.6.2022. Their application was dismissed by the Court of Appeal. They then came back and ploughed the suit property and planted.
4. The Applicants now want Police assistance to evict the Respondents. The Respondents did not file any response to the Applicants' application.
5. There is no doubt that the Applicants have a judgement in their favour. The attempt by the Respondents to have leave to appeal against the judgement was stopped upon dismissal of their application for leave to appeal. This being the case, the judgement of 30.6.2022 stands and the Respondents have no business remaining on the suit property or even planting crops thereon. I therefore allow the Applicants' application dated 24.6.2024 in its entirety.

It is so ordered.

DATED, SIGNED AND DELIVERED AT ELDORET ON THIS 3RD DAY OF OCTOBER, 2024.

E. O. OBAGA

JUDGE

In the virtual presence of;

Mr. Murgor for Plaintiff/Applicant.

Mr. Keter for Defendant.

Court Assistant –Laban

E. O. OBAGA

JUDGE

3RD OCTOBER, 2024

