



**Sinkori v Muchanga & 5 others (Environment & Land Case
70 of 2018) [2024] KEELC 13635 (KLR) (5 December 2024) (Ruling)**

Neutral citation: [2024] KEELC 13635 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO
ENVIRONMENT & LAND CASE 70 OF 2018
LC KOMINGOI, J
DECEMBER 5, 2024**

BETWEEN

JOHN LANTAN OLE SINKORI APPLICANT

AND

BROWN PAUL MUCHANGA 1ST RESPONDENT

ESTATE OF TEETA OLE KAMAKIA & OTHER & 4

OTHERS 2ND RESPONDENT

RULING

1. This is the Notice of Motion dated 30th May 2024 brought under;
(Sections 1A, 1B, 3A and Section 63 of the *Civil Procedure Act*, Under Order 51 Rule 1 & 3 of the Civil Procedure Rules, 2010 and all other enabling Provisions of the Law)
2. The grounds are on the application and are set out in paragraphs a to g.
3. The application is supported by the Affidavit of John Lantan Ole Sinkori, the proposed Interested Party, sworn on the 30th May 2024.
4. The Application is opposed. There are grounds of opposition filed by the Plaintiff/Respondent dated 1st July 2024.
5. On the 17th September 2024 Mr. Njiru for the Defendants and Mr. Gaitho for the Interested Party told the court that they were not opposing the Notice of Motion.
6. The Application was canvassed by written submissions.
7. I have considered the Notice of Motion, the Affidavit in support, the response thereto, the rival submissions and the authorities cited. The issue for determination whether this Application is merited.



8. It is the proposed Interested Party's submission that he is an innocent purchaser for value and the property has been transferred to his name. He has put forward the case of Francis Karioki Muratetu & Another Vs. Republic & 5 Others (2016) eKLR.

He prays that he be enjoined in these proceedings.

9. The Plaintiff/Respondent's submission is that there was a caution existing which the Applicant ought to have been aware of. He prays that this application be found to be without merit and be dismissed with costs.

10. I have considered the rival submissions. The Applicant states that he is a bonafide purchaser for value. I find that it is in the interest of justice that he be allowed to participate in these proceedings.

11. I find merit in this application and the same is allowed.

12. I hereby grant the orders sought namely;

a. That John Lantan Ole Sinkori is hereby enjoined in these proceedings.

b. That the Applicant do file his documents within twenty one (21) days from the date of this Ruling with corresponding leave to the Plaintiff and the Defendants if need be.

c. That costs of this Application be borne by the Applicant

DATED, SIGNED AND DELIVERED VIRTUALLY AT KAJIADO THIS 5TH DAY OF DECEMBER 2024.

L. KOMINGOI

JUDGE

In the presence of:

Ms. Oele for Mr. S. Gare for the Plaintiff.

N/A for the Defendants.

Mr. Gaitho for the Interested Party.

Mr. Serpepi for the proposed Interested Party

Mutisya – Court Assistant

