



**Jelika Investments Co. Ltd v The Land Adjudication And Settlement Officer Nakuru County & another (Land Case 20 of 2022) [2022] KEELC 146 (KLR) (6 June 2022) (Ruling)**

Neutral citation: [2022] KEELC 146 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NAKURU  
LAND CASE 20 OF 2022  
FM NJOROGE, J  
JUNE 6, 2022**

**BETWEEN**

**JELIKA INVESTMENTS CO. LTD ..... PLAINTIFF**

**AND**

**THE LAND ADJUDICATION AND SETTLEMENT OFFICER NAKURU  
COUNTY ..... 1<sup>ST</sup> DEFENDANT**

**THE LAND REGISTRAR NAKURU ..... 2<sup>ND</sup> DEFENDANT**

**RULING**

1. The Plaintiffs filed an application dated 4/4/2022 seeking the following prayers:
  1. ... Spent.
  2. That a declaration that the Plaintiff/Applicant is the bona fide, lawful allottee of agricultural plot No. 19 Rotharini Scheme -555 and that the entry of the name Everlyne Chepkirui Milgo as the allottee is therefore null and void;
  3. That an order directing the 1<sup>st</sup> and 2<sup>nd</sup> Respondents to rectify the register or records in respect of agricultural plot number 19 Rotharini Scheme-555 by cancelling the entry and certificate of title issued to Everlyne Chepkirui Milgo as the allottee and to register the Plaintiff/Applicant as the allottee thereof.
  4. That the costs of the application be provided for.
2. I have noted that the plaintiff commenced the instant suit by way of the plaint dated 4/4/2022 which seeks exactly the same prayers set out above. It would be a futile exercise to delve into the merits of the prayers sought in the instant application since it is trite law that final orders should not be sought or granted in an interlocutory application. It is this court's opinion that if the Applicant desires to secure the prayers in the notice of motion it should set down the main suit for hearing whereupon evidence



will be taken and a final determination of the suit on its merits would be arrived at. I therefore dismiss the application dated 4/4/2022 with costs to the Defendants.

3. The suit shall be mentioned on 22/6/2022 to ascertain compliance and to issue a hearing date. In the meantime, the Applicant shall establish by way of Affidavit of service filed before that date that the Attorney General's office has been served on behalf of the Defendants with the all the documents filed in this matter.

**DATED, SIGNED AND ISSUED AT NAKURU VIA ELECTRONIC MAIL ON THIS 6<sup>TH</sup> DAY OF JUNE, 2022.**

**MWANGI NJOROGE**

**JUDGE, ELC, NAKURU**

