



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT NAROK

ELC CAUSE NO. 270 OF 2017

FORMERLY NAKURU ELC CAUSE NO. 62 OF 2012

TITAME OLE SANKEI.....PLAINTIFF

-VERSUS-

JOHNSON KIPTUMAI CHERUIYOT.....DEFENDANT

RULING ON AN APPLICATION DATED 15TH NOVEMBER, 2017

RULING

By an application dated 15th November, 2017 brought under section 1A,1B,3A and order 3 Rule (5) and order 51 Rule 1 of the Civil Procedure Rules the proposed Interested party sought for orders to be enjoined in the suit herein as an interested party. The Application is based on the grounds that the Defendant/Respondent in the matter herein is an imposter in the Botoret Framers group and that the Applicants herein as the bonafide officials are the owners of land parcel No. Narok/Cis Mara/Olololunga/360 and that contrary to the allegations by the Defendant they never bought any land Narok/Cis Mara/Olololunga/97 but bought parcel No. Narok/Cis Mara/Olololunga/360 from one Samuel Soitanae Koriata.

The Application was further supported by the Affidavit of Humjoli Kebenei Aruasa which he depones that he brought the same as an official of Botoret Farmers Group and that the Group is the owner of Land Parcel Narok/Cis Mara/Olololunga/360 having produced the same. He states that the Defendant/Respondent is not an official of the group and hence an imposter and has not bought any land as a member of the group and if they are enjoined in the suit he shall suffer no prejudice.

The Application was opposed by the Defendant/respondent who filed a replying affidavit. He states that the Applicants are out to mislead the court and accused them as brokers, inciters and mere busy bodies who are out to frustrate the group from setting the land that they purchased from the plaintiff. He avers that the date of the registration of the group was on 8th July, 2009 and they purport to have obtained consent to transfer the land on 10th November, 1987 and have a number of other contradictions and hence to effectively defence the issues that are paramount in the matter and it shall serve the interest of justice for the interested party to be enjoined in the suit.

For the above reasons, I will allow the application dated 15th November, 2017 and order that the proposed interested party be enjoined in the suits.

Costs in the cause.

DATED, SIGNED and DELIVERED in open court at **NAROK** on this 5th day of **July, 2019**

Mohammed Noor Kullow

Judge

5/7/19

In the presence of:-

Mr Kilele for Kiplangat for the plaintiff

N/A for the defendant

CA:Chuma

Mohammed Noor Kullow

Judge

5/7/19