



**Magut v Koech (Environmental and Land Originating Summons
E002 of 2025) [2025] KEELC 3959 (KLR) (19 May 2025) (Ruling)**

Neutral citation: [2025] KEELC 3959 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAPSABET
ENVIRONMENTAL AND LAND ORIGINATING SUMMONS E002 OF 2025
GMA ONGONDO, J
MAY 19, 2025**

BETWEEN

PHILEMON KIMAIYO A MAGUT PLAINTIFF

AND

JULIUS KAPKENY ARAP KOECH DEFENDANT

RULING

1. The plaintiff/applicant, Philemon Kimaiyo Magut through Rotich, Langat And Partners Advocates generated an application by way of a Notice of Motion dated 3rd March 2025 for, inter alia, that this Honourable court be pleased to issue temporary orders of injunction and or Maintenance of the Status Quo prevailing at the moment on the subject matter, Meteitei/settlement Scheme/X9 measuring the applicant is in gainful possession and occupation the whole portion of the subject matter measuring 4.38 Hectares pending hearing and determination of this suit.
2. Mr Bungei learned counsel for the applicant informed the court that the application has been overtaken by events on the ground. Therefore, he has prayed that the application be marked as abandoned.
3. Ms Nasongo learned counsel for the respondent has no opposition to the applicant's prayer to abandon the application.
4. It is common ground that the application be discontinued herein.
5. Notably, discontinuance sought by the applicant is within the discretion of this court; see M & E Consulting Engineers Limited-vs-Lake Basin Development Authority and another (2015) eKLR.
6. Indeed, the applicant has sought to discontinue the application with the concurrence of the respondent.
7. Accordingly, the application dated March 3, 2025 is hereby marked as discontinued with costs in the cause.



8. It is so ordered.

DATED AND DELIVERED AT KAPSABET THIS 19TH DAY OF MAY 2025

G M A ONGONDO

JUDGE

