



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT OF KENYA**

**AT NAROK**

**ELC CASE NO. 4 OF 2020**

**KAPTICH FARMERS GROUP**

**(Through Ezekiel Maritim, Joseah, Chepkosiom and Elijah Chepkwony as the**

**Chairman, Secretary and Treasurer of Kaptich Farmers Group).....RESPONDENT/PLAINTIFF**

**VERSUS**

**SAMSON MAITAMEI KAPEEN.....1<sup>ST</sup> DEFENDANT**

**JAMES KIPTENG.....2<sup>ND</sup> DEFENDANT**

**ESTATE OF NORMAN KILAKOI OLE LEPORE (DECEASED).....3<sup>RD</sup> DEFENDANT**

**AND**

**HELLEN KOSKEI.....1<sup>ST</sup> APPLICANT/INTERESTED PARTIES & 45 OTHERS**

**RULING**

By a Notice of Motion dated 28/7/2020 the applicant sought for orders to be enjoined in the substantive suit as 1<sup>st</sup> to 46<sup>th</sup> interested parties. The application is based on the ground that there existed various contractual relationship between the 1<sup>st</sup> Defendant and the Applicants/Intended Interested parties with regard to land parcel No. **NAROK/CIS/MARA-OLOLOLUNGA/127** and that in the event that they are not enjoined in the suit herein. They will not be able to ventilate their claim.

The applications was further supported by the Affidavit of Wesley Chepkwony, who is the third proposed interested party. He contends that the portion of the land as claimed by the plaintiffs is registered in the names of three (3) proprietors with equal shares and that one of the co-owner Samson Maitamei Kapeen who is the 1<sup>st</sup> defendant sold his portion measuring 47.07 hectares to the interested parties. Individually, the applicant's further contends that land parcel **NAROK/CIS/MARA-OLOLOLUNGA/127** is no longer existence as the same was subdivided by the purchaser who are the applicants.

Despite being given chance the respondents have not opposed that said application. I have considered the application before me and the submissions filed by the applicants.

An interested party is defined in **Black's Law Dictionary** as:-

***“ A party who has a recognizable stake (and therefore standing) in a matter. A party who is closely connected to a law suit should be included in the case.”***

In the case of **Communications Commission of Kenya and 4 others vs= Royal Media Services Limited and 7 others** **Petition No. 15 of (2014) eKLR**. The Supreme Court pronounced itself on who an Interested party is as one who has a stake in the proceedings; In the instant application by the mere fact that the Applicants claim to have purchased part of the suit land will definitely make them have a stake in the proceedings before court and are such entitled to the protection of their rights which would otherwise be adversely affected if not included as interested party.

The upshot of the above is that the Notice of motion dated 28/7/2020 is merited and I will allow the same and direct that the

intended/interested party be enjoined in the suit herein as the 1<sup>st</sup> to 46<sup>th</sup> interested parties.

**DELIVERED, SIGNED AND DATED AT NAROK THIS 27<sup>th</sup> DAY OF OCTOBER, 2021**

**MOHAMED N. KULLOW**

**JUDGE**