



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT ISIOLO

E.L.C MISC. NO. 001 OF 2021

TIMOTHY G WOCHÉ.....PLAINTIFF

VERSUS

SOKA GACHE.....DEFENDANT

RULING

1. This matter has been brought to court vide an ex parte Originating Summons dated 26th March, 2021.

The summons states as follows:

EX PARTE ORIGINATING SUMMONS

1. THAT the applicant be and is hereby granted leave by this Honourable court to file suit out of time against SOKA GACHE seeking cancellation of **L.R NO. MARSABIT/JIRME/1413** and amalgamation of the same to the original **L.P NO. MARSABIT/JIRME 525** respectively.

2. THAT the costs of this application be costs in the main intended suit.

UPON THE GROUNDS THAT:-

a) The intended suit will be based on the (Sic) fraud.

b) That the discovery was in 2008, after the death of the mother (the late NAOMI SUBO STEPHEN GACHE)

c) That in 2009, the intended defendant filed a case against a third party one NASSIR CHUTE which he lost

d) That its in 2016, that the applicant discovered that title deed NO. MARSABIT/JIRME/1413, has been issued to the intended defendant, AND that the said title was hived off from the original Land Reference MARSABIT/JIRME/525 respectively.

e) THAT, the intended suit seeks to have NO. MARSABIT/JIRME/1413, cancelled and the portion amalgamated with original MARSABIT/JIRME/525

f) THAT, the intended suit being based on fraud, the 3 years limitation period is over.

2. I have perused the pleadings and at this ex parte stage do allow prayer 1 in the summons and hereby grant leave to the applicant to file suit against the respondent within 21 days of today.

3. The applicant is further directed to ensure that **SOKA GACHE** the registered owner of **LR. NO. MARSABIT/JIRME/1413** is enjoined in this suit.

4. Upon filing the intended suit, the applicant is directed to serve the respondent and SOKA GACHE within 7 days after the suit is filed.

DELIVERED IN OPEN COURT AT ISIOLO THIS 14TH DAY OF DECEMBER, 2021 IN THE PRESENCE OF:

COURT ASSISTANT: BALOZI

ONDARI FOR THE APPLICANT

.....

HON. JUSTICE P M NJORGE

E & L JUDGE, ISIOLO