



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT KILGORIS

ELC APPEAL NUMBER 17 OF 2021

DANIEL KIRONKI

NELLY PARANAI KINE (Suing as the Legal Representatives of the Estate of

JOSEPH MPAYO OLE KINE, DECEASED).....APPELLANTS

-VERSUS-

OLE MUTAMPERIA OLODARU

GIDEON PERE

JULIOUS PERE.....RESPONDENTS

RULING

The Application before the Honourable Court is dated 29th May 2020 and was filed in Court on the 2nd June 2020.

The said Application was placed before the Learned Judge and interim Orders were issued accordingly on the 2nd of June 2020.

Thereafter, the matter was transferred to the Environment & Land Court in Kilgoris on the 8th of June 2021.

On the 29th of September 2021 the matter was placed before the Environment & Land Court Judge for further directions.

Counsel for both the Appellants/Applicants as well as Respondents proceeded to request for a Ruling on the same without bring it to the attention of the Court that the suit properties were being affected by a Stay Order issued on the 19th of May 2020 by an Environment and Land Court sitting in Narok.

The Honourable Court has perused the Application dated 29th May 2020 and the Replying Affidavit filed on 24th June 2020 and have noted that the suit properties are identified as TRANSMARA/SHARTUKA/149 and TRANSMARA/SHARTUKA/971.

The Honourable Court takes Judicial Notice of the Orders issued by my brother Hon.Mr.Justice Mohamed Kullow on the 19th May 2020 in now what is known as Kilgoris Environment and Land Petition Number 7 of 2021 which partly read as follows:-

“Matters touching on the Shartuka Group Ranch currently pending before any Court be and are hereby stayed pending the hearing and determination of the instant Petition.”

The effect on the above Order made on the 19th May 2020 by the Learned Judge was to stop any determination of legal rights appertaining to the area known as Shartuka Group Ranch or any titles issued under the said Adjudication area until the conclusion of the Kilgoris ELC Petition Number 7 of 2021.

Consequently therefore, this Honourable Court defers the Ruling on the Application dated 29th May 2020 until the determination of Kilgoris ELC Petition Number 7 of 2021 or until such other time as the Orders of 19th May 2020 will be discharged by an appropriate Court of Jurisdiction.

For avoidance of doubt, the Orders issued on the 2nd of June 2020 are still in force until the determination of the present Application dated 29th May 2020.

DATED, SIGNED & DELIVERED VIRTUALLY IN KILGORIS ELC COURT ON 8TH DAY OF DECEMBER, 2021.

HONOURABLE EMMANUEL.M.WASHE

JUDGE

In the Presence of:-

1. Court Assistant – Matiko
2. Kipnetich for Appellant/Applicant