



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT NAROK

ELC CAUSE NO. 298 OF 2017

KAMONGO FARMERS CO-OPERATIVE SOCIETY LTD.....PLAINTIFF

-VERSUS-

CHIEF LAND REGISTRAR.....1ST DEFENDANT

NAROK SOUTH DISTRICT LAND REGISTRAR.....2ND DEFENDANT

DIRECTOR OF SURVEY.....3RD DEFENDANT

NAROK SOUTH DISTRICT LAND SURVEYOR.....4TH DEFENDANT

HARUNANI AND ASSOCIATES.....5TH DEFENDANT

ALFRED REBEL.....6TH DEFENDANT

WILSON KEBENEI.....7TH DEFENDANT

JOSEPH MAREDAI.....8TH DEFENDANT

KIMUTAI SAMOEI & OTHERS.....9TH DEFENDANT

RULING

By a Notice of Motion dated 12th March, 2019 the applicant sought for orders of stay of proceedings in the instant suit pending the hearing and determination of the applicant's appeal against a ruling of this court made on 26th November, 2018 together with the costs of the application. The application is based on the grounds that the striking out of the 5th defendant as a party to the suit was erroneous and that unless the suit herein is stayed the applicant will suffer irreparable damages. The application was further supported by the affidavit of the applicant's advocates in which he deponed that the applicant had filed a Judicial Review application seeking the court to review its ruling made on 11th April, 2018 striking out the applicant's claim against the 5th defendant which application was disallowed and they have thus appealed against the said ruling which has high chances of success.

From the record I have not seen the respondent's replying affidavit and/or grounds of opposition to the application and since the application is uncontroverted and unopposed I will allow the application and I order that there be a stay of proceedings in respect of the suit herein pending the outcome of the Court of Appeal, Nairobi Civil Appeal No. 2 of 2019. The costs of the application shall be in the cause.

DATED, SIGNED and DELIVERED IN OPEN COURT at NAROK on this 11th day of June, 2020.

Mohammed Kullow

Judge

11/6/2020

In the presence of:

CA:Chuma

Mr. Kilele for the Defendants

N/A for the Plaintiff