



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT OF KENYA

AT NAKURU

ELC NO. 47 OF 2012

MOROP COMPANY LTD.....PLAINTIFF

VERSUS

THE COMMITTEE KAMBI YA MOTO

PRIMARY SCHOOL.....DEFENDANT

LAITON CHESANG – Administrator of the Estate

of Kiplenge Chesang (deceased).....INTERESTED PARTY

RULING

(Application to be enjoined as interested party; application allowed).

1. The application before me is that dated 5 December 2015. It is an application filed by Laiton Chesang who states that he is the administrator of the estate of Kiplenge Chesang (deceased) and he has filed this application seeking to be enjoined as interested party to this suit.

2. The plaintiff in this case has asserted ownership of the land described as Kampi Ya Moto/Kampi Ya Moto/ Block 1 (formerly L.R No. 8378/3) also known as Morop Farm which is land measuring about 1980 acres. It is averred that this land is held by the plaintiff on behalf of its members. It is claimed that in the year 2002, the defendant, the School Committee Kampi Ya Moto Primary School, unlawfully entered the Plot No. 67, which is a parcel measuring 20 acres, and said to be situated within the land Kampi Ya Moto/Kampi Ya Moto/Block 1. The plaintiff claims that this is trespass and in the suit, the plaintiff has inter alia sought orders of eviction against the defendant.

3. It appears as if the Plot No. 67 now has a title issued and identified as Kampi Ya Moto Block 1/67. That title is in the name of Kiplenge Chesang. In this application, it is averred that Kiplenge Chesang died on 12 November 1990 and a Certificate of Death is annexed. The applicant has annexed copies of a limited grant of letters of administration Ad Litem issued to him on 5 December 2013. It is his view that the estate of Kiplenge Chesang is an interested party and should be enjoined to these proceedings.

4. None of the other parties have opposed this application. On my part, I have no problem allowing the application. I can see that the litigation may very well be involving the land parcel Kampi Ya Moto Block 1/67 which is under the name of Kiplenge Chesang. The estate may be prejudiced if the matter proceeds without their input. I therefore allow the application and order the applicant to be enjoined to these proceedings as interested party. I make no orders as to costs.

5. It is so ordered.

Dated, signed and delivered in open court at Nakuru this 12th day of July, 2016.

MUNYAO SILA

JUDGE

ENVIRONMENT & LAND COURT

AT NAKURU

In presence of :

Mr. Magata holding brief for Mrs. Ndeda for applicant.

Ms. Alwala holding brief for Mr Olonyi for plaintiff.

N/A on part of State Law Office for defendant

Court Assistant : Janet

MUNYAO SILA

JUDGE

ENVIRONMENT & LAND COURT

AT NAKURU