



Letting v Kosgey & another; National Bank of Kenya (Interested Party) (Environment and Land Case E010 of 2025) [2025] KEELC 6475 (KLR) (29 September 2025) (Ruling)

Neutral citation: [2025] KEELC 6475 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAPSABET
ENVIRONMENT AND LAND CASE E010 OF 2025
GMA ONGONDO, J
SEPTEMBER 29, 2025**

BETWEEN

PETER KIPKORIR LETTING PLAINTIFF

AND

WILLIAM KIPCHIRCHIR KOSGEY 1ST DEFENDANT

THE LAND REGISTRAR, NANDI 2ND DEFENDANT

AND

NATIONAL BANK OF KENYA INTERESTED PARTY

RULING

1. This ruling is in respect of the notice of withdrawal of suit dated 6th September 2025 with no orders as to costs by the plaintiff, Peter Kipkorir Letting through Kipkorir, Kipkorir & Company Advocates.
2. Mr Kipkorir informed the court that the defendants and the interested party have not entered appearance herein. That therefore, the suit be marked as withdrawn with no orders as to costs as per the notice of withdrawal of suit herein.
3. By a plaint (Fast Track) dated 22nd May 2025, the plaintiff is seeking the orders, inter alia;
 - a) Declaration that the Plaintiff is the lawful owner of land parcel registration number Nandi/Ollessos/627 otherwise sub divided into land registration numbers Nandi/Ollessos/1037 and Nandi/Ollessos/1038 (the suit land parcels)
 - b) A permanent injunction restraining the Defendants, the interested party any other person from interfering with the Plaintiff's title of land parcel registration number Nandi/Ollessos/627 otherwise sub divided into land registration numbers Nandi/Ollessos/1037 and Nandi/Ollessos/1038 or otherwise from quiet enjoyment and possession of the suit property.



4. Simultaneous with the plaint, the plaintiff filed an application by way of a Notice of Motion of even date for an injunction. The application is pending hearing and determination herein.
5. It is trite law that the choice by a party to withdraw a suit before court, as a general rule, cannot be taken away from that party; see Council of Governors vs Senate & another, SC Reference No. 1 of 2014 (2014) eKLR.
6. Furthermore, no prejudice would be caused to the defendants and the interested party who have not entered appearance in this suit, by the plaintiffs' move to have the suit withdrawn in the circumstances; see Lelli-vs- Kenya Medical Training College & 2 others Petition 10 of 2021 {2021} KESC 21 KLR(Civ).
7. The plaintiff who has the right to withdraw this suit, has given sufficient explanation to have it withdrawn. The court has the discretion to allow the withdrawal.
8. Accordingly, the instant suit generated by a plaint dated 22nd May 2025 is hereby marked as withdrawn with no orders as to costs bearing in mind the proviso to section 27 (1) of the [Civil Procedure Act](#) Chapter 21 Laws of Kenya and the holding in Jasbir Singh Rai & 3 others vs Tarlochan Singh Rai Estate & 4 others (2014) eKLR.
9. It is so ordered.

DATED AND DELIVERED AT KAPSABET THIS 29TH DAY OF SEPTEMBER 2025.

HON. G M A ONGONDO

JUDGE

In the presence of;

Mr Kipkorir learned counsel for the Plaintiff/Applicant

Walter, Court Assistant

