



REPUBLIC OF KENYA



**KENYA LAW**  
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**Chitechi v Kivitu t/a Kalehas Enterprises Ltd & 3 others (Environment and Land Case E007 of 2025) [2025] KEELC 7303 (KLR) (15 October 2025) (Ruling)**

Neutral citation: [2025] KEELC 7303 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT KAKAMEGA  
ENVIRONMENT AND LAND CASE E007 OF 2025**

**A NYUKURI, J**

**OCTOBER 15, 2025**

**BETWEEN**

**FREDERICK RAMAQUE CHITECHI ..... PLAINTIFF**

**AND**

**WILLIAM ENDE KIVITU T/A KALEHAS ENTERPRISES  
LTD ..... 1<sup>ST</sup> DEFENDANT  
LETSHEGO KENYA / COOPERATIVE BANK (BGM/KK) ..... 2<sup>ND</sup> DEFENDANT  
PAWABA/BUKHUNGU AUCTIONEERS ..... 3<sup>RD</sup> DEFENDANT  
JOSEPH KHAYUMBI MUNANGA ..... 4<sup>TH</sup> DEFENDANT**

**RULING**

1. Before court is a notice of motion dated 24<sup>th</sup> March 2025 filed by the plaintiff, indicated as having been brought under “The Civil Procedures Land and Environment Acts of 2015 (sic) and Civil Procedure rules)” seeking the following orders;
  - a. That this application be certified as urgent and service of the same be dispensed with at the first instance.
  - b. That the application is a different suit altogether seeking for orders in view of CMC Suit No. 324/12 at Kakamega Law Courts copies of Judgement attached pending the filing and service of the substance application within 21 (twenty one) days for listing and hearing within 30 days from the day here of filing of filling, the 4<sup>th</sup> respondent be directed or ordered to unconditionally transfer Butso/Indangalasia/ 6094 to the applicant herein as the sole proprietor and to further expunge the strange names thereon namely Joseph Munanga Khayumbi, until the 4<sup>th</sup> respondent is directed or ordered to unconditionally transfer Butso/ Indangalasia/ 6094. That the land parcel No. Butso/Esumeyia/ 1488



including and not limited to Butsotso/Esumeyia/13543/3794 & 3795 as guaranteed by the 1<sup>st</sup> respondent under the spouse's management and ownership namely Jackyline Muyonga Shiter T/A Kalehas enterprises be equally expunged from the threats of the 2<sup>nd</sup> respondents.

- c. That the honorable court be pleased to know that the 4<sup>th</sup> respondent filed the civil suit No. 324 of 2012 purportedly to remove a cation from Butsotso/ Indangalasia/ 1651 and subdivide in portions for transfer to the buyers (13No.), which include the parcel the parcel No. Butsotso/ Indangalasia/ 6094 among others marred with maladministration by deceit, has not been transferred to the applicant herein, the 4<sup>th</sup> respondent has indecently continued hanging on or claiming interest on the same parcel Butsotso/Indangalasia/ 6094 In the name of Joseph Munanga Khayumbi, who to the best of applicant is a stranger, amounting to discrimination and alienation of the applicant herein and which is not only a betrayal of sort but criminal silence and person responsibility affecting the guarantor on Butsotso/ Esumeyia/ 1488 as partners with he applicant herein taking advantage of the collaterals, benefits thereto immediately.
  - d. That the applicant is on record as a lead witness in civil suit 5 of 2012 under partnership deals with the 1<sup>st</sup> respondent for settlement schemes born out of the liabilities resulting in details attached therewith thus the application.
  - e. That the honorable court be informed that the applicant is on record as lead witness in civil case No. 5 of 2021 CMC under partnership deals and further as a witness in settlement schemes born out of the liabilities resulting in Pawaba Auctioneers Advert copies attached here with thus the application.
  - f. That the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> respondents are bound by virtue of a teaming agreement to manage the civil suit No. 5 of 2021, without discrimination against the applicant which impunity, rubbishing, frustrating, alienating and underrating the Civil suit No. 324 of 2012 Judgement and rights of the application herein are perpetuated hence the prayer for the orders.
  - g. That pending the filing/ serving and hearing to full determination of the suit, the respondents be ordered to expunge the name Joseph Munanga Khayumbi from the title deed Butsotso/ Indangalasia/ 6094 and sought there above from the Adverts of the following parcels of land Butsotso/ Isumeyia/ 1488/ 3543/ 3794 and 3795 as guaranteed by 1<sup>st</sup> respondent.
2. The application was opposed.
  3. The application is predicated on the grounds on the face of the application. The application as it appears seeks to inform court several matters and does not seek for any specific prayers.
  4. It is clear from the application that what the applicant attempts to state and what he wishes the court to know, is quite unintelligible and incoherent and it is not clear what was the exact message that the applicant wished to pass across to this court. In short, the instant application is not capable of being understood. For those reasons the application dated 24<sup>th</sup> March 2025 is hereby dismissed with costs to the respondents.
  5. It is so ordered.

**DATED, SIGNED AND DELIVERED AT KAKAMEGA IN OPEN COURT/VIRTUALLY THROUGH MICROSOFT TEAMS VIDEO CONFERENCING PLATFORM THIS 15<sup>TH</sup> DAY OF OCTOBER, 2025**

**A. NYUKURI**



## **JUDGE**

In the presence of;

Ms Juma holding brief for Mr. Alubale for Cooperative Bank

No appearance for the applicant

No appearance for other respondents

Court Assistant: Delphine.

