



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT OF KENYA

AT ELDORET

E & L CASE NO. 233 OF 2012

JOSEPH KIBUNGEI KUGUN.....PLAINTIFF

VERSUS

GILBERT KIPKOECH SUM.....1ST DEFENDANT

THOMAS CHERUIYOT MAIYO

(Suing as a Legal Representative of the Estate of

KIMAIYO ARAP KEINO).....2ND DEFENDANT

AND

JOHN CHERUIYOT SUM.....1ST INTERESTED PARTY

KENNETH SANG.....2ND INTERESTED PARTY

SARAH JOB SAINA.....3RD INTERESTED PARTY

JULIUS LIMO.....4TH INTERESTED PARTY

AND

PAULINA JEPTPKENY CHEPNGOK.....1ST PROPOSED INTERESTED PARTY

SAMUEL KIPSAINA TOO.....2ND PROPOSED INTERESTED PARTY

JOSHUA KIPKEMBOI TUWEI.....3RD PROPOSED INTERESTED PARTY

(All suing as the Legal Representatives of the Estate of CHEPNGOK)

RULING

Paulina Jeptepkeny Chepngok, Samwel Kipsaina Too and Joshua Kipkemboi Tuwei of P. O. Box 2729 – 30100, Eldoret were vested with letters of administration ad litem of the estate of Kiptoo Chepngok who died domiciled in the Republic of Kenya on 26.7.1978. The said persons have come to court vide a notice of motion dated 7.3.2019 praying that they be enjoined in the suit, tender evidence and participate in the proceedings. The intended interested parties' interest is that the late Kiptoo Chepngok rights in the suit property is 89.4 acres on which parcel the intended interested parties reside have been tilling and have built structures. Mr. Sego for the plaintiff has filed grounds of opposition which largely deal on technicalities save grounds number 4 and five which deal on facts.

I have considered the grounds and do find that it is in the interest of justice that the applicants be afforded an opportunity to be heard limited to their father's interest on the suit property to enable their father's interest to be considered in the judgment. The application is allowed, the applicants are enjoined as 7th, 8th and 9th interested parties. The 7th, 8th and 9th interested parties to file a detailed affidavit within 1 day, showing their interest. The other parties to respond to the said affidavits within 2 days.

Dated and delivered at Eldoret this 30th day of April, 2019.

A. OMBWAYO

JUDGE