

**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT AND LAND COURT OF KENYA**  
**AT KAPSABET**

**ELCLC CASE NO. E028 OF 2025**

**BILLHOUSE INVESTMENTS LTD.....**  
**PLAINTIFF**

**-VERSUS-**

**PRISCAH JEPNGETICH TANUI.....**  
**DEFENDANT**

**JUDGMENT**

1. The Plaintiff through Kipruto Maritim and Company Advocates, sued the Defendant by way of a plaint dated 20<sup>th</sup> October 2025 for four orders, inter alia, an order of eviction in respect of the suit land, **NANDI/KIPKAREN SALIENT/952** belonging to the Plaintiff.
2. Simultaneously, the Plaintiff filed a notice of motion application of even date for interim injunction over the suit land pursuant to, inter alia, **Order 40 of the Civil Procedure Rules 2010.**
3. The Defendant through George O. Anyumba and Company Advocates filed a memorandum of appearance dated 27<sup>th</sup> October 2027 in this suit.

4. Mr. Maritim learned counsel for the Plaintiff has drawn the attention of the Court to the consent dated 28<sup>th</sup> October 2025 duly signed by counsel for the respective parties herein. He then urged the court to adopt it as judgment in this matter.
5. Mr. M.C. Ouma instructed by Anyumba learned Counsel for the Defendant affirmed the said proposition. He implored the Court to approve the consent accordingly.
6. I have considered the plaint, the memorandum of appearance, the consent and the request of both parties. The issues for determination relate to whether the Plaintiff is deserving of the orders sought in the plaint and contained in the consent.
7. It is common ground that the consent be endorsed as judgment herein.
8. On that score, I subscribe to the decision of the Supreme Court of the Republic of Kenya in the case of **Geoffrey Asanyo & 3 others-vs- Attorney General {2020} KESC 62 (KLR)** that litigants should not be denied an opportunity to explore Alternative Disputes Resolution (ADR) under **Article 159 (2) (c) of the Constitution of**

**Kenya 2010**. That the parties are at liberty to consent to terms of settlement of the matter.

9. I therefore, applaud the parties for having settled this matter in the spirit of **Article 159 (2) (c) (Supra)**.

10. Wherefore, I hereby enter judgment for the plaintiff against the defendant as I approve the consent of both parties and this matter be settled in the following terms; -

a) An order of eviction be and is hereby issued against the Defendant, her agents, servants and anybody claiming through her from suit parcel of land number **NANDI/KIPKAREN SALIENT/952** within 7 days failure of which forceful eviction shall be carried out.

b) An order of permanent injunction be and is hereby issued against the Defendant, her agents, servants and anybody claiming through her from trespassing upon parcel of land number **NANDI/KIPKAREN SALIENT/952** belonging to the Plaintiff

c) The OCS Kipkaren Salient Police Station to ensure full compliance

d) That each party shall bear own costs.

**DATED** and **DELIVERED** at **KAPSABET** this **6<sup>th</sup>** day of **NOVEMBER 2025**

**HON. G M A ONGONDO**

**JUDGE**

**In the presence of;**

1. Mr. Kipruto Maritim Learned Counsel for the Plaintiff
2. Mr. M C Ouma instructed by Mr Anyumba Learned  
Counsel for the Defendant
3. Walter, Court Assistant