

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT
AT KAPSABET
ELCLC NO. E014 OF 2023

GIDION KIBITOK.....1ST
PLAINTIFF

BENARD KIPKORIR.....2ND
PLAINTIFF

STEPHEN KIPLAGAT.....3RD
PLAINTIFF

DENNIS KIPLAGAT.....4TH
PLAINTIFF

-VERSUS-

ANNAH JEPSAT ROTICH.....1ST
DEFENDANT

JONATHAN KIBIWOT MUREI.....2ND
DEFENDANT

COUNTY LAND REGISTRATION NANDI.....3RD
DEFENDANT

ATTORNEY GENERAL.....4TH
DEFENDANT

NATIONAL LAND COMMISSION.....5TH
DEFENDANT

RULING

1. By a Notice of motion dated 6th November 2025, the 1st and 2nd Defendants/Applicants through Rotich, Langat Partners Advocates are seeking the orders which include; maintenance of status quo on the register of the suit land reference number NANDI/CHEPTIL/49 pending the hearing of the main suit.
2. In the replying affidavit sworn on 12th November 2025 by the 3rd Respondent/Plaintiff for his own behalf and on behalf of his co-Respondents, the application is opposed to the effect that the application is a non-starter for reasons, inter alia, that there was fraud in registration of the suit land.
3. By the supplementary affidavit sworn on 14th November 2025 by the 2nd Applicant/Defendant for his own behalf and on behalf of his co-Respondents, the alleged fraud in the replying affidavit is denied and that the same together with other issues to await the decision of the Court.
4. Mr Rotich has implored the Court to protect the suit land by an interim preservation order that registration of the suit land should not be altered until this matter is

resolved. That therefore, the application be compromised thereby.

5. Ms Isiaho learned counsel for the Respondents did not oppose the application. She referred to paragraph 10 of the Replying Affidavit that the registration be maintained pending the hearing and determination of this matter on merit.
6. Ms I. Khaoya learned Counsel for the 5th Defendant and Ms Cheruiyot learned Counsel for the 3rd and 4th Defendants have no objection to the request by Applicants' counsel.
7. In that regard, is the status quo order sought by the Applicants' Counsel merited?
8. It is common ground that the registration of the suit land should not be altered pending the outcome of this suit.
9. This Court is mandated under **Section 13 (7) of the Environment and Court Act 2015 (2011)** to grant interim preservation orders inclusive of status quo sought by the applicants in the application.
10. It is established law that the Court can grant status quo orders over the subject matter in dispute until the suit

is determined or terminated; see **Ogada -vs- Mollin (2009) KLR 620.**

11. In the result, the application dated 6th November 2025 is hereby compromised by Counsel for the respective parties thus;

a) The current registration of the suit land shall remain and not be altered pending the outcome of this suit.

b) No orders as to costs.

12. It is so ordered.

DATED and **DELIVERED** at **KAPSABET** This **18th** day of **NOVEMBER 2025.**

HON. G M A ONGONDO

JUDGE

In the presence of;

1. Ms Isiaho Learned Counsel for the Respondents/Plaintiffs

2. Mr M Rotich Learned Counsel for the Applicants/1st and 2nd
Defendants

3. Ms I. Khaoya Learned Counsel for the 5th Defendant

4. Ms Cheruiyot Learned Counsel for the 3rd and 4th
Defendants

5. Walter, Court Assistant