

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

**ELC CASE No. E068 OF 2024**

**FAHRENHEIT ENERGY LIMITED** .....

**PLAINTIFF/RESPONDENT**

**VERSUS**

**PAMELA BOIT** ..... **1<sup>ST</sup>**

**DEFENDANT/APPLICANT**

**MARAGRET BOIT** ..... **2<sup>ND</sup>**

**DEFENDANT/APPLICANT**

**RULING:**

1. The Plaintiff/Applicant in this matter through a Notice of Motion dated 29<sup>th</sup> November, 2024 seeks the following orders:-
  - (a) Spent
  - (b) Spent
  - (c) Spent
  - (d) Spent
  - (e) A temporary injunction be is hereby issued to restrain PAMELA BOIT and MARGARET BOIT, in their personal capacity or through their employees or servants or agents or assignees or anybody acting under their instructions or beneficiaries or extended family members and any other person/ persons claiming through them, from trespassing onto and/or dealing in, or /and advertising for sale, or/and disposing off by way of public auction or/and private treaty, and/or leasing, and/or alienating, and/or fencing, and/or constructing on, and/or putting signs on, and/or subdividing,

and/or demarcating, and /or erecting beacons, and/or charging and/or otherwise interfering with the quiet, peaceful, actual and exclusive possession, cultivation, user, development and enjoyment of FAHRENHEIT ENERGY LIMITED, and/or its duly appointed directors GEOFFREY KIRWA BOIT and/or its appointed representative BEATRICE BOIT in the properties known as Title No. IR. 145476 measuring approximately 2.032 Ha, Title No. IR. 145477 measuring approximately 2.033 Ha, Title No. IR. 145478 measuring approximately 2.031 Ha, Title No. IR. 145479 measuring approximately 2.031 Ha, Title No. IR. 145480 measuring approximately 2.073 Ha, Title No. IR. 145481 measuring approximately 2.057 Ha, Title No. IR. 145482 measuring approximately 2.003 Ha, Title No. IR. 145483 measuring approximately 2.003 Ha, Title No. IR. 145484 measuring approximately 2.004 Ha, Title No. IR. 145485 measuring approximately 2.002 Ha, Title No. IR. 145486 measuring approximately 2.036 Ha, Title No. IR. 145487 measuring approximately 2.036 Ha, Title No. IR. 145488 measuring approximately 4.079 Ha, Title No. IR. 145489 measuring approximately 4.079 Ha, Title No. IR. 145490 measuring approximately 4.079 Ha, Title No. IR. 145491 measuring approximately 4.126 Ha, Title No. IR. 145492 measuring approximately 95.62 Ha pending the hearing and determination of this suit.

- (f) AN order of inhibition be and is hereby issued restraining the CHIEF LAND REGISTRAR from registration of any disposition or making of entries in the register of land reference No. Title No. IR. 145476 measuring approximately 2.032 Ha, Title

No. IR. 145477 measuring approximately 2.033 Ha, Title No. IR. 145478 measuring approximately 2.031 Ha, Title No. IR. 145479 measuring approximately 2.031 Ha, Title No. IR. 145480 measuring approximately 2.073 Ha, Title No. IR. 145481 measuring approximately 2.057 Ha, Title No. IR. 145482 measuring approximately 2.003 Ha, Title No. IR. 145483 measuring approximately 2.003 Ha, Title No. IR. 145484 measuring approximately 2.004 Ha, Title No. IR. 145485 measuring approximately 2.002 Ha, Title No. IR. 145486 measuring approximately 2.036 Ha, Title No. IR. 145487 measuring approximately 2.036 Ha, Title No. IR. 145488 measuring approximately 4.079 Ha, Title No. IR. 145489 measuring approximately 4.079 Ha, Title No. IR. 145490 measuring approximately 4.079 Ha, Title No. IR. 145491 measuring approximately 4.126 Ha, Title No. IR. 145492 measuring approximately 95.62 Ha pending the hearing and determination of the suit.

(g) The Officer Commanding (OCS) Chepkanga Police Station be and is hereby ordered to provide security and ensure compliance with the orders of this Honourable Court with regard to the titles known as Title No. IR. 145476 measuring approximately 2.032 Ha, Title No. IR. 145477 measuring approximately 2.033 Ha, Title No. IR. 145478 measuring approximately 2.031 Ha, Title No. IR. 145479 measuring approximately 2.031 Ha, Title No. IR. 145480 measuring approximately 2.073 Ha, Title No. IR. 145481 measuring approximately 2.057 Ha, Title No. IR. 145482 measuring approximately 2.003 Ha, Title No. IR. 145483 measuring approximately 2.003 Ha, Title No. IR. 145484 measuring

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approximately 2.036 Ha, Title No. IR. 145487 measuring  
approximately 2.036 Ha, Title No. IR. 145488 measuring  
approximately 4.079 Ha, Title No. IR. 145489 measuring  
approximately 4.079 Ha, Title No. IR. 145490 measuring  
approximately 4.079 Ha, Title No. IR. 145491 measuring  
approximately 4.126 Ha, Title No. IR. 145492 measuring  
approximately 95.62 Ha during enforcement of these orders  
by FAHRENHEIT ENERGY LIMITED, and/or its duly appointed  
directors GEOFFREY KIRWA BOIT and/ or its appointed  
representative BEATRICE BOIT.

(h) Costs to the Plaintiff.

2. The Application is premised on the grounds set out on the face of the Motion as well as the Supporting Affidavit sworn by its Director, Geoffrey Kirwa Boit on the same date. He deponed that the Plaintiff is the legal and registered owner of the parcels of land listed in the prayers above (the suit properties) and has been in peaceful, exclusive possession and use thereof. That on 28<sup>th</sup> November 2024, the Defendants/Respondents invaded the suit properties accompanied by surveyors, police officers from Chepkanga police station and hired goons and commenced survey process without any legal basis and/or his consent.
3. He averred that the Defendants' said activities constitute trespass, are illegal, are a gross violation of the Plaintiff's constitutional rights to property and proprietary rights secured under the Land Registration Act hence the need for protection

by this court. He claimed that the temporary injunction sought will assist the Court in determining the real question in controversy between the parties and settle all questions in the case. Further, that it will preserve the suit properties subject matters of this case. He claimed that the Defendants do not stand to suffer any prejudice if the prayers sought are granted as they have no proprietary rights whatsoever over the properties.

4. He deponed however that the Plaintiff stands to suffer irreparable loss and damage as it might end up losing its proprietary interest to the properties and end up being unlawfully evicted despite being the legal and registered owner thereof. He also expressed apprehension that unless the prayers sought are granted, the Defendants may subdivide and dispose of the land, thus defeat the Plaintiff's proprietary interests. Further, that if the orders are not granted, the Plaintiff risks being condemned unheard contrary to its right to a fair hearing. That the instant application is therefore merited and brought in good faith, thus it is imperative and in the interest of justice that it be allowed.

5. The Application was opposed through a Replying Affidavit sworn on 15<sup>th</sup> June, 2025 by the 1<sup>st</sup> Defendant, Pamela Boit. She deponed that she is the Administratrix of the estate of Richard Kipchumba Boit (deceased). She averred that the suit properties are sub-divisions of the land known as **Choronok Farm (Sergoit) LR No. 9128** (the mother title), half of which is owned by the estate of Richard Kipchumba Boit. She

explained that the mother title was initially owned by **Choronok Farmers Limited** whose share-holders were Geoffrey Sila Kibet Boit (50 shares) and Mr. Pramodchandra Kalidas Patel (50 shares).

6. The 1<sup>st</sup> Defendant averred that prior to his death, the late Geoffrey Sila Kibet Boit bequeathed his share of the Company to his sons, the late Richard Kipchumba Boit and Geoffrey Kirwa Boit. That on his death, Geoffrey Kirwa Boit obtained Letters of Probate in Eldoret Probate & Administration Cause no. 156 of 1992 and was substituted as a co-shareholder of the Company in place of their late father. That Geoffrey Kirwa Boit then caused half share of the mother title held by their late father to be transferred to him on 28<sup>th</sup> June, 1996. Thereafter, the Company through its other director Pramodchandra Kalidas Patel, petitioned for winding up in Eldoret Winding up Cause No. 1 of 1996. That a winding up order was issued on 24<sup>th</sup> October, 1996 effectively handing over ownership of the mother title to the 2 shareholders.
7. The 1<sup>st</sup> Defendant averred that on 16<sup>th</sup> March, 2011 Geoffrey Kirwa Boit incorporated Fahrenheit Energy Limited, the Plaintiff herein, in which he held 999 shares and his wife Jennifer Wanja Muriuki held 1 share. That Geoffrey Kirwa Boit transferred the land to the Plaintiff on 19<sup>th</sup> April, 2013, under who it was subdivided in to various portions with the resulting subdivisions registered in its name.

8. The 1<sup>st</sup> Defendant deponed that as an Administrator of his late father's estate and a co-beneficiary of the mother title, Geoffrey Kirwa Boit held the land in trust for himself and other beneficiaries, including his co-beneficiary, the late Richard Kipchumba Boit, and was obligated to make provision for his share. She averred that the Geoffrey Kirwa Boit disregarded his duty under the trust and disinherited his co-beneficiary, and all efforts to have him transfer the Late Richard's share to his beneficiaries bore no fruits.
9. The 1<sup>st</sup> Defendant claims that she then filed High Court Succession Cause No, E062/2022, in the Estate of Richard Kipchumba Boit under which half share of the mother title was devolved to Margaret Chepchirchir Boit, James Raymond Kipngetch Boit and herself in equal share. That Geoffrey Kirwa Boit and 2 others filed an objection in Succession Cause E026 of 2022 where he admitted that he obtained the land from his father, and the objection was dismissed on 25<sup>th</sup> October, 2024 for lack of merit.
10. She claimed that the registration, subsequent transfers and the sub-divisions by Geoffrey Kirwa Boit and the Plaintiff company were fraudulent and aimed at disinheriting the beneficiaries of the late Richard Kipchumba Boit. She alleged that the trust created over the land constituted an overriding interest pursuant to section 28(b) of the Land Registration Act, 2012 that moved with the land, thus, the transfers, sub-division and re-transfers are inconsequential, illegal, null and void. Further, that the beneficiaries of the estate of the late Richard

Kipchumba Boit had already set in motion the process to legally sub-divide and transfer half-share of the mother title per the grant issued in Succession Cause No. E026 of 2022.

11. She urged that their actions cannot qualify as trespass at all to warrant this court's intervention as sought by the Plaintiff. She termed the instant Motion an attempt by Geoffrey Kirwa Boit through the Plaintiff to frustrate the efforts of the beneficiaries of the late Richard Kipchumba Boit from realizing their entitlements. She accused Geoffrey Kirwa Boit of non-disclosure of material facts to this honorable court. That the orders sought by the plaintiff are equitable in nature, and it is a principle of equity that he who comes to equity must come with clean hands. In addition, that he who seeks equity must do equity.
12. She claimed that the orders sought by the applicant herein, if granted, would be in direct conflict with the orders obtained in Eldoret High Court Succession Cause No. E026 OF 2022 which will be an embarrassing situation in the administration of justice. She explained that the Plaintiff had subsequent to this case and the current application filed an application for revocation of the grant issued in Eldoret Succession cause no. E026 of 2022. The 1<sup>st</sup> Defendant averred that the suit and resulting application are an abuse of the court process and prayed that the Application be dismissed with costs.
13. In response to the Replying Affidavit, the Plaintiff filed a Further Affidavit sworn by Geoffrey Kirwa Boit on 24<sup>th</sup> October, 2025. He deponed that the mother title LR No 9128 belonged to

Choronok Farmers Ltd in which he was a shareholder alongside Pramochandra Patel. That the Company was indebted to Barclays Bank Kenya Limited and they agreed to sell a portion of the suit land to Stephanus Petrus Kruger to offset the outstanding loan. That the Company was thereafter wound up and three titles were issued to Stephanus Petrus Kruger, Pramochandra Patel and himself.

14. He claimed that the land was transmitted to him vide succession cause no 156 of 1992. That the 1<sup>st</sup> Defendant fully participated in and accepted the outcome thereof, and is on record confirming that she was satisfied with the distribution of the estate. He claims to have developed the suit property, subdivided and registered the subdivisions in the Plaintiff company's long before the Defendant filed succession cause No. E026 of 2022. He urged that the Plaintiff is therefore the absolute and indefeasible proprietor of the suit properties. He denied that the late Richard Kipchumba Boit owned half a share of the mother title, and claimed the Estate of Sila Kibet Boit in the succession case No. 156 of 1992 was distributed in line with the rules of intestacy, which grant has not been challenged to date.

15. He averred that the sub-division, transfer and subsequent registrations have changed the nature and the character of the land as it introduced 3<sup>rd</sup> parties as the owners of the subdivisions thereof. He alleged that he was substituted as a co-shareholder of Choronok Farmers Limited not as an administrator but solely as a beneficiary of the shares thereto.

That the land was transferred to him procedurally and legally as a beneficiary. He added that he was under no obligation to share with his siblings or seek their consent when forming the Plaintiff company and transferring or subdividing his lawfully acquired property thereto. That for this reason, the issue of trust does not arise as the elements of trust have not been qualified.

16. He further deponed that the late Richard Boit was not listed as a beneficiary of the estate of their late father, which was fully administered in 1996 and his duties as administrator became *functus officio*. He accused his step siblings of attempting to gain more from their father's estate and deprive him of his share thereof. He accused the Defendants of misrepresentation resulting in the probate court distributing a property that did not belong to the deceased. He clarified that his objection was dismissed for want of jurisdiction over matters of land ownership, but conceded that there are pending revocation proceedings over the same.

17. He asserted that the defendants have no legal basis of initiating any subdivision and/or transfer over the Plaintiff's property thus any act thereto amounts to trespass. That the Plaintiff being the registered owner of the land is entitled to protection as recognised by the Constitution and Section 24, 25 and 26 of the Land Registration Act, 2012 as the Plaintiff has established a prima facie case. He alleged that the Defendants have never been in possession of the suit property, while the Plaintiff herein has been in possession, occupation and use thereof since 2013,

and will suffer irreparable and substantial loss if the orders are not granted. He pointed out that the Defendants had previously filed Eldoret ELCC No. E035 of 2023 but it was dismissed with costs. He asked the court to allow the application to preserve the substratum of the suit.

**Submissions:**

18. The court directed that the Application be canvassed by way of written submissions. In compliance, the Plaintiff/Applicant filed submissions dated 24<sup>th</sup> October, 2025 while the Defendants/Respondents filed their submissions in response dated 30<sup>th</sup> October, 2025.

**Analysis and Determination:**

19. I have considered the application herein, the response thereto, I have also read and considered the submissions by both counsel and the following issues arise for determination:
- (i) Whether the Plaintiff is entitled to the order of temporary injunction sought herein;*
  - (ii) What orders should the court grant*

**(a) Whether the Plaintiff is entitled to the order of temporary injunction sought herein;**

20. The power to grant temporary injunction is in the discretion of the Court. This discretion however should be exercised reasonably, judiciously and on sound legal principles. Before granting a temporary injunction, the court must consider the following principles set forth in the well-established case of

**Giella vs Cassman Brown & Co. Ltd (1973) EA 358**, where the Court of Appeal said that:-

***“The conditions for the grant of an interlocutory injunction are now, I think, well settled in East Africa. First, an applicant must show a prima facie case with a probability of success. Secondly, an interlocutory injunction will not normally be granted unless the applicant might otherwise suffer irreparable injury, which would not adequately be compensated by an award of damages. Thirdly, if the court is in doubt, it will decide an application on the balance of convenience.”***

21. The first element to be proved is that the Applicant demonstrates that he has a prima facie case with a probability of success. In the case of **Pius Kipchirchir Kogo vs Frank Kimeli Tenai [2018] KEELC 2424 (KLR)**, the Court explained what is meant by the term prima facie case:-

***“The existence of a prima facie case in favor of the plaintiff is necessary before a temporary injunction can be granted. Prima Facie case has been explained to mean that a serious question is to be tried in the suit and in the event of success, if the injunction be not granted the plaintiff would suffer irreparable injury. The burden is on the plaintiff to satisfy the court by leading evidence or otherwise that he has a Prima Facie case in his favor. A prima facie case does not mean a case proved to the hilt but a case which can be said to be established if the evidence which is led in***

***support of the same were believed. This court finds that though the plaintiffs have established that they are the proprietors of the suit property through transmission, it is arguable by the defendant that she has unregistered rights in the property being the widow to the deceased.”***

22. The Plaintiff herein seeks an injunction against the Defendants restraining them from entering into or dealing with the suit property pending the hearing and determination of the case. The strength of the Plaintiff's case is that it is the current registered owner of the land, and the Defendants encroached upon the land seeking to subdivide it without any justifiable cause.

23. The Defendants herein are the Plaintiff's half-siblings, and biological siblings of the late Richard Kipchumba Boit. Their claim is that the land was bequeathed to Geoffrey Kirwa Boit and their brother Richard Kipchumba Boit in equal share. They claim therefore that the late Richard Kipchumba Boit owned half share of their father's portion of the land. The basis of the Defendants' case therefore is that there existed a trust in favour of the estate of their late brother, that was abused by Geoffrey Kirwa Boit when he registered the land solely in his name and thereafter transferred it to the Plaintiff company.

24. From the documents presented, the suit property was registered in the name of Chonorok Farmers Limited on 28<sup>th</sup> June, 1973 which this court has been informed was owned by

the late Geoffrey Sila Kibbet Boit and Pramochandra Kalidas Patel. In High Court Succession Cause No. 156 of 1992 Geoffrey Kirwa Boit petitioned for a Grant of Letters of Administration intestate over the estate of his late father, Geoffrey Sila Kibet Boit, which was issued to him on 12<sup>th</sup> May, 1993. Thereafter, Geoffrey Kirwa Boit caused his fathers share in the company.

25. As shown on the Form of Annual Return dated 19<sup>th</sup> May, 1995 the shareholders of the said company as at that date were Mr. Geoffrey Kirwa Boit and Mr. Pramodchandra Kalidas Patel who each owned 50 shares thereof. Geoffrey Kirwa Boit then caused the land to be transferred into his name, and then he transferred it to the Plaintiff company herein, where he is the majority shareholder. It cannot therefore be denied that the land was inherited from the estate of the late Geoffrey Sila Kibet Boit.
26. However, from the documents currently placed before the court, the defendants averred that the late Geoffrey Sila Kibet Boit bequeathed the land to his two sons Geogrey Kirwa Boit and Richard Kipchumba Boit in equal shares. The Defendants claim that their late brother Richard Kipchumba Boit owned half share of the mother title.
27. The Plaintiff does not deny that the Defendants obtained an order from the High Court stating that they are to have a  $\frac{1}{2}$  share of the mother title to be shared equally between the two of them and James Raymond Kipngetch Boit. As already stated, the Defendants claim that Geoffrey Kirwa Boit who is the

plaintiff's director and 2 others filed objection in succession cause No. E026 of 2022 where he admitted that he obtained the land from his father. However, said objection was dismissed on 25<sup>th</sup> October, 2025 for lack of merit. As matters stand, the defendants have orders in their favour from the succession court which are still in force and have not been set aside.

28. I say this noting that at this interlocutory stage, the Court is not obliged to resolve any matters of fact, since the evidence relied on affidavit evidence that has not been subjected to cross-examination. Such matters are to be dealt with at the trial. Gicheru JA. in ***Rockland Kenya Limited vs Elliot White Miller (1994) KECA 84 (KLR)*** explained that:

***“ ... the Court must in the exercise of its discretionary power in this regard be satisfied that the claim in respect of which an interlocutory injunction is sought is neither frivolous nor vexatious: in other words, that there is a serious question to be tried.”***

29. As matters stand, though the plaintiff remains the registered owner of the suit properties, the defendants equally have orders in their favour which are still in force. It is clear therefore that in this case, both parties are claiming the suit land. The plaintiff's claim is based on the fact that it is the registered owner of the suit properties while the defendants' claim is based on the orders issued in their favour by the succession court which infact dismissed the objection files by the Plaintiff's director, Geoffrey Kirwa Boit and 2 others. The court has taken note that at the time of filing the application

herein, the said Geoffrey Kirwa Boit who is the deponent of the affidavit in support of the application and the plaintiff did not disclose to the court of those previous proceedings and in particular the orders that were issued in favour of the defendants when the objection filed was dismissed.

30. An injunction is an equitable remedy, and because it is discretionary, a party asking for it must satisfy equitable principles, one which is the clean hands doctrine. Therefore, a party seeking an injunction must be honest, transparent and free of misconduct related to the subject matter of the dispute. Whereas courts regularly apply the doctrines set out in the ***Giella vs. Cassman Brown Case***, a court can refuse an injunction where the applicant concealed material facts such as in this case.
31. Given the above position, and in particular the fact that the defendants have orders in their favour given in succession cause E026 of 2022, this court cannot term the defendants occupation and possession of the suit parcels as illegal trespass as alleged by the plaintiff. I therefore find that the plaintiff has not established a *prima facie* case.
32. Secondly, the applicant is to demonstrate that they stand to suffer substantial loss if the injunction is not granted. On the issue of loss and injury to be prevented by injunction, in ***Rockland Kenya Limited vs Elliot White Miller (1994)***, the Court held that:-

***“The object of an interlocutory injunction is to protect the plaintiff against injury by violation of his legal right for which he could not be adequately***

***compensated in damages recoverable in the action if the matters in dispute were resolved in his favour at the trial. However, his need for such protection must be weighed against the corresponding need of the defendant to be protected against injury resulting from his having been prevented from exercising his own legal right for which he could not be adequately compensated under the plaintiff's undertaking in damages if the subject-matter of the trial was decided in his favour."***

33. The Plaintiff's claim is predicated on the fact that it is the current registered owner of the suit property. The Plaintiff submitted that it has been in possession, occupation and use of the suit land for over 12 years now and has even developed it. The defendants on their part claimed that the fact that the Plaintiff has developed the land does not alone meet the threshold for grant of an injunction.
34. There is no doubt that if the defendants have a stake by virtue of being the beneficiaries of the late Richard Kipchumba Boit, they will have been prejudiced in being denied their just entitlement. This is so, especially considering that they have orders in their favour from the succession court. If restrained from asserting their lawful interest over the land, the court will be sitting on appeal over the High court which has equal status as this court.

35. As matters stand, any damage that may be suffered by the plaintiff can be quantified in damages and the defendants evicted in the event it is successful after trial.
36. With regard to the balance of convenience, I am of the view it does tilt in favour of both parties, the Plaintiff, being the registered owner of the land, and the defendants who have orders in their favour from the succession court in cause No. E026 of 2022.
37. That being the case, it is evident that the Plaintiff herein has satisfied all the three conditions for grant of an order of temporary injunction.

**(b) What orders should the court grant;**

38. The Plaintiff also sought an order of inhibition to restrain the Chief Land Registrar from registering any disposition or making of entries in the registers of the suit properties pending hearing and determination of the suit.
39. The matter of ownership of the suit land is highly contested in this suit. In addition, aside from this suit, the parties have admitted that there are pending revocation proceedings before the probate court relating to the suit property herein. The suit properties are thus not only subject of these proceedings but also of proceedings in the succession court. The Defendants have a certificate of confirmation of grant allowing them a share of the land, while the plaintiff holds titles.

40. Furthermore, the Plaintiff claimed that third parties have been introduced into the suit property as owners thereof. From all the titles presented before this court, all the subdivisions were registered and still are in the Plaintiff's name. There is therefore the possibility that the suit properties having already been subdivided as they are may be sold and/or transferred to third parties before this suit is heard and determined, thus destroying the substratum of the suit.
41. Bearing these circumstances in mind, I doubt any good will come out of allowing any of the parties herein the liberty of dealing with the suit properties as they please. There is need to ensure that the substratum of this suit, being the suit properties herein is not destroyed during the pendency of the suit or transferred to other persons that are not parties to this suit.
42. The court recognises the need to ensure that none of the parties herein is prejudiced if after the final determination of the suit judgment is in their favour. In that regard, the order of inhibition is warranted to ensure that none of the parties will dispose or otherwise deal with the suit properties pending the determination hereof.

**Orders: -**

43. Consequently, the outcome of the above deliberations is that the Notice of Motion dated 29<sup>th</sup> November, 2024 partially has merit and the same is allowed in the following terms:-
- (a) An order of inhibition be and is hereby issued restraining the CHIEF LAND REGISTRAR from registration of any

disposition or making of entries, on the instruction or application of any of the parties herein or anyone acting under them, in the registers of land reference No. Title No. IR. 145476 measuring approximately 2.032 Ha, Title No. IR. 145477 measuring approximately 2.033 Ha, Title No. IR. 145478 measuring approximately 2.031 Ha, Title No. IR. 145479 measuring approximately 2.031 Ha, Title No. IR. 145480 measuring approximately 2.073 Ha, Title No. IR. 145481 measuring approximately 2.057 Ha, Title No. IR. 145482 measuring approximately 2.003 Ha, Title No. IR. 145483 measuring approximately 2.003 Ha, Title No. IR. 145484 measuring approximately 2.004 Ha, Title No. IR. 145485 measuring approximately 2.002 Ha, Title No. IR. 145486 measuring approximately 2.036 Ha, Title No. IR. 145487 measuring approximately 2.036 Ha, Title No. IR. 145488 measuring approximately 4.079 Ha, Title No. IR. 145489 measuring approximately 4.079 Ha, Title No. IR. 145490 measuring approximately 4.079 Ha, Title No. IR. 145491 measuring approximately 4.126 Ha, Title No. IR. 145492 measuring approximately 95.62 Ha pending the hearing and determination of the suit.

(b) Costs of the Application shall be in the cause.

44. Orders accordingly.

**DATED, SIGNED and DELIVERED** virtually at **ELDORET** on this **27<sup>TH</sup>** day of **NOVEMBER, 2025** vide Microsoft Teams.

**HON. C. K. YANO**  
**ELC, JUDGE**

In the virtual presence of;

Ms. Kesei holding brief for Mr. Mwinamo for Plaintiff/Applicant.

Mr. Akango for Defendants/Respondents.

Court Assistant - Laban.

ORIGINAL