

**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT AND LAND COURT OF KENYA**  
**AT KAPSABET**  
**ELCL CASE NO. E023 OF 2025**

**EZEKIEL MAREIYO MENGICH.....1<sup>ST</sup>**  
**PLAINTIFF**

**CHARLES KIPLETING MENGICH.....2<sup>ND</sup>**  
**PLAINTIFF**

**RAEL MENGICH KORIR.....3<sup>RD</sup>**  
**PLAINTIFF**

**LENAH MAREIYO.....4<sup>TH</sup>**  
**PLAINTIFF**

**HELLEN JEBET LAGAT.....5<sup>TH</sup>**  
**PLAINTIFF**

**SALINA JEPKORIR RONO.....6<sup>TH</sup>**  
**PLAINTIFF**

**JOB LAGALT.....7<sup>TH</sup>**  
**PLAINTIFF**

**-VERSUS-**

**NATHAN MAREIYO MANGICH.....**  
**.....DEFENDANT**

**-AND-**

**KIPLETING MENGICH.....INTENDED INTEREST PARTY**

**WILLIAM MENGICH.....INTENDED INTEREST PARTY**

**NAUMI KIRUI.....INTENDED INTEREST PARTY**

**EDWIN KIPTOO.....INTENDED INTEREST PARTY**

**JOSHUA MENGICH.....INTENDED INTEREST PARTY**

**EVERLINE RONOH.....INTENDED INTEREST PARTY**

**VIOLA MAREIYO.....INTENDED INTEREST PARTY**

**CAROLINE JEMUTAI MAREIYO.....INTENDED INTEREST PARTY**

**LINAH MAREIYO.....INTENDED INTEREST PARTY**

**GLADYS JERUTO.....INTENDED INTEREST PARTY**

**JUDITH JEBICHII.....INTENDED INTEREST PARTY**

**DESMOND K. MENGICH.....INTENDED INTEREST PARTY**

### **RULING**

1. The Intended Interested Parties/Applicants through D.I Mengich and Company Advocates commenced an application by way of an amended notice of motion application dated 21<sup>st</sup> November 2025, seeking orders, inter alia, that the Applicants Kipleting Mengich, Desmond K. Mengich, William Mengich, Naumi Kirui, Edwin Kiptoo, Joshua Mengich, Everline Ronoh, Vioola Mareiyo, Caroline Jemutai Mareiyo, Linah Mareiyo, Gladys Jeruto and Judith Jebichii being the children of the 2<sup>nd</sup> and 3<sup>rd</sup> houses of the Defendant be joined in these proceedings as 1<sup>st</sup> and 12<sup>th</sup> interested parties.
2. The 1<sup>st</sup> Applicant's affidavit of sixteen paragraphs and twelve grounds, are in support of the application. The

Applicants' contention in part, is that they are proper parties to this suit which proceeded under concealment of material facts from the Court yet the Plaintiffs and the Applicants are the rightful parties. That it is in the interest of justice, equity and fairness that the Applicants be joined herein to enable the Court have the full representation of all affected family members and avoid multiplicity of suits. That no prejudice will be suffered by the Plaintiffs if the Applicants are joined, whereas failure to join the Applicants will deny them the right to be heard in a matter directly touching on their family land.

3. Ms. Chesoo Learned Counsel for the Defendant/Respondent has no opposition to the application. She stated that the Court cannot close its eyes on the Applicants. So, she implored the Court to allow the application to pave way for the hearing of the suit.

4. Mr. Moses Rotich Learned Counsel for the Plaintiffs/Respondents informed the Court that the parties are family members. That therefore, the application be allowed only on the prayer for joinder of the Applicants for

the parties to attempt Court Annexed Mediation and that interim preservation orders be extended.

5. Ms. Oduor learned counsel for the Applicants stated that the Applicants are amenable to Court-Annexed Mediation and that prayer for joinder in the application be allowed in the circumstances.

6. It has emerged that all parties including the applicants are family members. Article 45(1) of the Constitution of Kenya 2010 provides;

**The family is the natural and fundamental unit of society and the necessary basis of social order and shall enjoy the recognition and protection of the State.**

7. Plainly, the parties are in agreement that the Applicants be joined in this suit and the matter be referred to Court-Annexed Mediation in consonant with **Article 159 (2) (c) of the Constitution of Kenya and the Civil Procedure (Court-Annexed Mediation) Rules 2022.**

8. In the premises, the amended application dated 21<sup>st</sup> November 2025 is hereby partially allowed in terms of

prayer 2 for joinder of the Applicants with no order as to costs and interim preservation orders extended.

9. Moreover, this matter is referred to Court-Annexed Mediation for a report to be filed in court for consideration and mention before the Deputy Registrar of this Court on 14<sup>th</sup> January 2026.

10. It is so ordered.

**DATED** and **DELIVERED** at **KAPSABET** this **1<sup>ST</sup>**  
**DECEMBER, 2025**

**HON. G M A ONGONDO**

**JUDGE**

**In the presence of; -**

1. Mr. Moses Rotich Learned Counsel for the Plaintiffs/Respondents
2. Ms. Chesoo Learned Counsel for the Defendant/Respondent
3. Ms. Oduor instructed by Metto Learned Counsel for the Applicants/Interested Parties
4. Walter, Court Assistant

