

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT OF KENYA

AT KAPSABET

ELCC NO. 135 OF 2021

ETHICS AND ANTI CORRUPTION

COMMISSION.....PLAINTIFF

-VERSUS-

WILSON KIPLETING KOSACHEY.....1ST

DEFENDANT

SAMSON KIPKEMBOI TOO.....2ND

DEFENDANT

JUDITH MARILYN OKUNGU.....3RD

DEFENDANT

DAVIS OMOLO ONONO.....4TH

DEFENDANT

WYCLIFFE KWENDO OLONYI.....5TH

DEFENDANT

RULING

1. The instant ruling in lieu of the expected judgment is precipitated by the directions of the Court as disclosed in the proceedings of 23rd October 2025 and upon hearing Counsel for some of the parties in this suit.
2. Notably, it is the duty of this Court to ensure that a party was made aware of the matter and to have that party served with all the necessary papers. The party has the right to appear or decline to appear in the matter; see **Festus Ogada -vs- Hans Mollin (2009) eKLR.**
3. On 23rd October 2025, only the Plaintiff, the 2nd and 3rd Defendants were represented in Court. Thus, Mr. J. Mbaka learned counsel for the Plaintiff was directed to serve the other parties for this date.
4. Today, the Plaintiff's Counsel is absent and there is no evidence of service upon the other parties. I have heard Mr. Bitok and Mrs. Mbeche instructed by Mr. Mbeche learned Counsel for the 1st and 3rd Defendants respectively as pertains the determination of this matter.
5. Article 10 (2) of the Constitution of Kenya 2010 enshrines national values and principles of governance inclusive of

transparency and accountability. All the parties in this suit are entitled to access to justice and fair trial including the final decision under **Articles 25 (c) and 48 of the said Constitution.**

6. In the premises, both the Learned Counsel for the 1st Defendant and Learned Counsel for the 3rd defendant to serve all the parties Including Learned Counsel for the Plaintiff for judgment on 28th January 2026.

7. It is so ordered.

DATED and **DELIVERED** at **KAPSABET** this **16th** day of **DECEMBER 2025.**

HON. G. M. A. ONG'ONDO

JUDGE

In the presence of;

1. Mr. Bitok learned Counsel for the 1st Defendant
2. Mrs. Mbeche instructed by Mr Mbeche learned Counsel for the 3rd Defendant
3. Walter, Court Assistant