

**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT AND LAND COURT OF KENYA**  
**AT KAPSABET**  
**ELC CASE NO. E035 OF 2025**

**EQUATORIAL LAND HOLDINGS LIMITED.....1<sup>ST</sup>**  
**PLAINTIFF/APPLICANT**

**KAREBE GOLD MINING LIMITED.....2<sup>ND</sup>**  
**PLAINTIFF/APPLICANT**

**-VERSUS-**

**ISAAC KIPTOO BWAMBOK.....1<sup>ST</sup>**  
**RESPONDENT**

**ELIZABETH JEBET.....2<sup>ND</sup>**  
**RESPONDENT**

**MINISTRY OF MINING, BLUE ECONOMY AND MARTIME**  
**AFFAIRS.....INTERESTED**  
**PARTY**

**RULING**

1. The Applicants/Plaintiffs through Brian Otieno and Company Advocates commenced an application by way of Chamber Summons dated 9<sup>th</sup> December 2025 seeking,

inter alia, an interim injunction against the 1<sup>st</sup> and 2<sup>nd</sup> Respondent jointly and severally restraining themselves, their agents, servants and/or employees from evicting, entering into, trespassing, blocking, locking and/or interfering in any manner whatsoever with the Applicant's quiet and peaceful possession of all that parcel of land known as land reference No. NANDI/CHEMASE/259 situated in Nandi County pending inter-partes hearing of the application.

2. The application is set for inter-partes hearing today. However, Mr. Brian Otieno alongside Mr. Lumumba instructed by Orende Learned Counsel for the Applicants have drawn the attention of this Court to the notice dated 12<sup>th</sup> December 2025 under Order 25 Rule 1 of the Civil Procedure Rules 2010 which reads;

**'TAKE NOTICE that the 1<sup>st</sup> and 2<sup>nd</sup> Plaintiffs/Applicants herein by this notice hereby wholly and unreservedly withdraws the Chamber Summons dated 9<sup>th</sup> December, 2025.'**

3. Thus, the Applicants have implored the Court to allow the withdrawal of the application.

4. Mr. Muhoro and Mr. J. Ngwele learned Counsel for the 1<sup>st</sup> and 2<sup>nd</sup> Respondents respectively have no opposition to the withdrawal of the application.
5. It is trite that a party has generally, the right to withdraw a matter; See **Asanyo & 3 others -vs- Attorney General {2020} KSCE 62 and Council of Governors -vs- Senate & another (2014) eKLR.**
6. In the circumstances, the Applicants have the right to withdraw the application.
7. Consequently, the application dated 9<sup>th</sup> December 2025 is hereby marked as wholly and unreservedly withdrawn with no orders as to costs.
8. It is so ordered.

**DATED** and **DELIVERED** at **KAPSABET** this **16<sup>th</sup>** day of **DECEMBER 2025.**

**HON. G. M. A. ONG'ONDO**  
**JUDGE**

**In the presence of;**

1. Mr. Brian Otieno alongside Mr. Lumumba instructed by Orende learned Counsel for the Applicants/Plaintiffs
2. Mr. Muhoro learned Counsel for the 1<sup>st</sup> Respondent
3. Mr. J. Ngwele instructed by Henry Kenei learned Counsel for the 2<sup>nd</sup> Respondent
4. Walter, Court Assistant