



REPUBLIC OF KENYA



**KENYA LAW**  
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**Kibor v Ngetich; Jepchirchir & 3 others (Interested Parties) (Environment and Land Case 21 of 2022) [2026] KEELC 319 (KLR) (26 January 2026) (Ruling)**

Neutral citation: [2026] KEELC 319 (KLR)

**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT AND LAND COURT AT KAPSABET**  
**ENVIRONMENT AND LAND CASE 21 OF 2022**  
**GMA ONGONDO, J**  
**JANUARY 26, 2026**

**BETWEEN**

**MOSES KIPTOO KIBOR ..... PLAINTIFF**

**AND**

**HELLEN JEPKEMBOI NGETICH ..... DEFENDANT**

**AND**

**JANE JEPCHIRCHIR ..... INTERESTED PARTY**

**GAD KIPKEMBOI ..... INTERESTED PARTY**

**MILKA JELAGAT BETT ..... INTERESTED PARTY**

**IRENE CHEMUTAI BETT (BOTH 3RD AND 4TH SUIVING AS THE  
LEGAL REPRESENTATIVES OF THE ESTATE OF PETER KIBET**

**NGETICH ..... INTERESTED PARTY**

**RULING**

1. The instant ruling is in respect of an application of this date commenced by Mr. Ngigi Mbugua learned counsel for the defendant/respondent that ex-parte interim orders dated 10<sup>th</sup> December 2025 herein be vacated as the matter is concluded. That the orders were sought for punitive intention. That therefore, the preliminary objection dated 23<sup>rd</sup> January 2025 be heard on priority basis.
2. Ms. Tanui Chepchumba learned counsel for the interested parties has opposed the application in part that she was instructed a few days ago. That the interim orders are for meant for the preservation of the suit land. That if the orders are lifted, the other parties are bound to be prejudiced thereby.
3. Mr. Mbugua in rejoinder stated that whereas the orders were issued, the defendant/respondent has not given her consent for extension of the same as provided for by the law.



4. I have heard counsel for the defendant/respondent and learned counsel for the interested parties for and against the vacation of interim orders granted on 10<sup>th</sup> December 2025. The plaintiff is absent and I subscribe to the decision in the case of the Court of Appeal in the case of *Ogada V. Mollin* (2000) eKLR on necessity of service of documents and essence of interim preservation orders in a matter.
5. Furthermore, I am guided by this Honourable court's powers under Section 3, 13 (7) and 19 of the *Environment and Land Court Act* 2015 (2011), Section 3 and 3A of the *Civil Procedure Act* Chapter 21 Laws of Kenya and Articles 48, 25(i) and 50 (1) of *the Constitution* of Kenya 2010 for the ends of justice.
6. Accordingly, I hereby direct thus;
  - a. The application for vacation of orders of 10th December 2025 is hereby disallowed,
  - b. The Defendant/Respondent's Preliminary Objection dated 23<sup>rd</sup> January 2026 be served on all parties including the interested parties' counsel who has entered on record herein, within the next three days from this date.
  - c. The preliminary objection be given priority over all other matters herein and the same be heard by way of written submissions.
  - d. The Defendant/Respondent's counsel and the other parties including the interested parties to file and serve their submissions within 14 days after service of the preliminary objection and 21 days upon service of the submissions by the Defendant/Respondent's Counsel respectively.
  - e. The preliminary objection is set for 18<sup>th</sup> May 2026 to confirm compliance and for further directions.
7. It is so ordered.

**DATED AND DELIVERED AT KAPSABET THIS 26<sup>TH</sup> DAY OF JANUARY 2026**

**HON. G M A ONGONDO**

**JUDGE**

Ms. Tanui Chepchumba for Interested Parties

Ms. Ngigi Mbugua for Defendant/Respondent

No appearance for Plaintiff

Walter Court Assistant

