



REPUBLIC OF KENYA



KENYA LAW
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**Kenei v Land Registrar, Nandi County & another; Kenei & 4 others (Interested Parties)
(Land Case E014 of 2025) [2026] KEELC 186 (KLR) (21 January 2026) (Ruling)**

Neutral citation: [2026] KEELC 186 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAPSABET
LAND CASE E014 OF 2025
GMA ONGONDO, J
JANUARY 21, 2026**

BETWEEN

LAWRENCE KENEI APPLICANT

AND

THE LAND REGISTRAR, NANDI COUNTY 1ST DEFENDANT

THE HON ATTORNEY GENERAL 2ND DEFENDANT

AND

DAVID KIPRUTO KENEI INTERESTED PARTY

SAMWEL KIPRUGUT BETT INTERESTED PARTY

HENRY KIPROBON INTERESTED PARTY

SARAH JEPKEMEI INTERESTED PARTY

PHILEMON KIPKERING METTO INTERESTED PARTY

RULING

1. In an application by way of a Notice of Motion dated 7th July 2025 under, inter alia, sections 1A, 1B, 3A of the *Civil Procedure Act*, Chapter 21 Laws of Kenya, Order 40 Rules 2 and 4 and Order 1 Rules 3 of the Civil Procedure Rules 2010, the 2nd to 5th interested parties/applicants through Bitok & Sambu Advocates, are seeking the orders infra;
 - a) Moot.
 - b) That this Honourable Court be pleased to join Samwel Kipkurgat Bett, Henry Kiprobon, Sarah Jepkemei and Philemon Kipkering Metto as the 2nd to 5th interested parties herein respectively.



- c) Cost be provided for.
2. The application is based on the affidavit of Samuel Kipkurgat Bett, the 2nd Interested Party/Applicant for and on behalf of the other Applicants and himself with the annexed copies of consent and Court order (SKB 1 and 2) as well as certificate of confirmation of grant (SKB3), among other documents, alongside nineteen grounds, inter alia;
- a) That the proposed 2nd To 5th Interested Parties/Applicants hold a purchaser's interest over part of parcel number Nandi/Baraton/22 (The suit land) to tune of 6.3 acres cumulatively.
- b) That it is necessary to enjoin the proposed interested parties herein to avoid a multiplicity of suits and for the real questions in controversy herein to be settled completely.
- c) That it is fair, just and expedient that this application be allowed.
3. The Plaintiffs/Respondent through Kenei and Associates Advocates, opposed the application by grounds of opposition dated 3rd November 2025 thus;
- a) The motion has no merit, is vexatious, is frivolous and an abuse of the proceedings of this Honourable Court in an attempt to fulfill an ulterior motive
- b) the Motion is structured in a highly convoluted and lacking in precision pointing to a misapprehension on the part of Proposed Interested Party's/Applicants on the role and qualifications of an interested party.
- c) The Motion does not meet the requisite threshold for joinder of an interested party
- d) The Motion is seeking to introduce a completely new and distinct cause of action into the suit against the rule's governing the role of an interested party in civil court proceedings.
- e) The suit challenging exercise of statutory powers by a state agency which powers have no known civilian intervention hence the Motion is ill-conceived.
- f) The proposed interested parties have anchored their claim on a purported consent order made by the Chief Magistrate's Court at Eldoret hence their recourse is only tenable before the Court that issued the order and not before this Honourable Court.
- g) The Proposed interested parties have not demonstrated the prejudice that they will suffer should the matter proceed for hearing and determination without their participation.
4. The 1st and 2nd Defendants have no opposition to the application as discerned in the proceedings of 18th September 2025 in this matter.
5. The application was heard by written submissions further to Order 51 Rule 16 of the Civil Procedure Rules 2010.
3. By the submissions dated 26th November 2025, learned Counsel for the Applicants made reference to the application, the grounds of opposition and identified an issue for determination namely whether the applicant should be allowed to join the proceedings as sought in the application. In analyzing the issue in the affirmative, counsel submitted in part, that the applicants have purchaser's interest cumulatively in 6.3 acres out of the suit land. That their interest is derived from succession proceedings in Eldoret CMC Succession Cause No. 94 of 2017 where the applicants were protestors. That the 1st interested party refused to comply with the consent (SKB1) annexed to the affidavit in support of the application.



4. To fortify the submissions, counsel relied on, inter alia, Order 1 Rule 10 (2) of the Civil Procedure Rules 2010, Rule 7 of the *Constitution* of Kenya (Protection of Rights and Fundamental Freedoms Practice and Procedure Rules 2013) alongside the case of Francis K. Muruatetu & another v Republic; Kenya National Commission on Human Rights & 2 others (Interested Parties); Death Penalty Project (Intended Amicus Curiae) (Petition 15 & 16 of 2015 (Consolidated)) [2016] KESC 12 (KLR) and Communication Commission of Kenya & 4 others-vs-Royal Media Services & 7 others (2014) eKLR. Therefore, counsel submitted that the Applicants have demonstrated that they have an interest in a portion of the suit land and urged the Court to allow the application.
5. In his submissions dated 15th December 2025, the Plaintiff/Respondent referred to the application, the grounds of opposition and delineated an issue for determination; whether there is merit in the application and in particular, are the Applicants' necessary parties to join the suit? Counsel analyzed the issue in the negative.
6. To reinforce the submissions, counsel cited Muruatetu case (supra) and Trusted Society of Human Rights Alliance-vs-Mumo Matemu & 5 others (2014) KLR, among others. In that regard, counsel urged the Court to dismiss the application with costs to the Plaintiff/Respondent.
7. So, is the application meritorious?
8. It is noteworthy that the principal order sought in the application is joinder of the Applicants to the suit. In the Black's Law Dictionary 10th Edition at page 965, the term 'Joinder' is defined thus;

The uniting of parties or claims in a single lawsuit'
9. It is trite law that in a formal application for joinder of parties to a suit, a right at the discretion of the Court be founded upon elements, inter alia, that the Applicant has personal interest or stake in the matter and that the same must be set out or identifiable in the application but not something remote and not be prejudicial to the applicant; see inter alia, Muruatetu case (supra).
10. The Defendants are in support of the application. In essence, the application is partially uncontroverted.
11. In the documents marked as 'SKB 1 to SKB 6' annexed to the affidavit in support of the application, the applicants have established that they have personal interest or stake in form of purchaser's interest in the matter. That their interest is not remote and identifiable in the application. That prejudice would not be occasioned thereby if the applicants are joined in this suit.
12. The Plaintiff/Respondent asserted in the grounds of opposition that the application has not attained the threshold for joinder of the applicants in the suit. Be that as it may, I find the grounds blunt and fail to displace the solid character of the application.
13. It is thus, the finding of this Court that the application is partially unchallenged, firm, cogent and meritorious.
14. In the result, the application dated 7th July 2025 is hereby allowed in terms of prayer 2 for joinder of the applicants to this suit as set out in paragraph 1 (b) hereinabove with costs in the cause.
15. It is so ordered.

DATED AND DELIVERED AT KAPSABET THIS 21ST DAY OF JANUARY 2026.

HON. G. M. A ONGONDO

JUDGE



In the presence of;

1. Ms. Kayeli learned Counsel for the Applicants/2nd To 5th Interested Parties
2. Mr. Kwame Counsel instructed by Ms. Cheruiyot learned Counsel for the Defendants
3. Walter, Court Assistant

