

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT OF KENYA
AT KAPSABET

ELC CASE NO. E028 OF 2025

BILLHOUSE INVESTMENTS LIMITED
.....PLAINTIFF/RESPONDENT

-VERSUS-

PRISCAH JEPNGETICH
TANUI.....DEFENDANT/RESPONDENT

STEPHEN KIPKORIR NGETICH.....PROPOSED
INTERESTED PARTY

RULING

1. By the Notice of Motion dated 21st November 2025, the interested party through Chebii and Company Advocates is seeking the orders, inter alia;

- a) THAT this Honourable court be pleased to add Stephen Kipkorir Ngetich as interested party to these proceedings.

b) THAT there be an interim order of injunction restraining the plaintiff from evicting the interested party herein out of **Nandi/Kipkaren Settlement Scheme/952** pending the hearing and determination of this application.

2. Mr. Maritim learned counsel for the plaintiff/respondent drew the attention of this court to the consent dated 9th December 2025 duly signed by all counsel for the respective parties and filed by learned counsel for the defendant/respondent's counsel determining the application and the entire matter herein. He therefore, urged the court to adopt it as the ruling and order of this court.

3. Ms. Tum instructed by Dr Chebii learned counsel for the interested party affirmed the proposal to adopt the consent.

4. It is notable that the consent reads;

'That by the consent of the parties, this matter be settled as hereunder;

a) The Defendant/Respondent, Stephen Kipkorir Ngetich be compensated by a payment of a sum of

Kenya shillings Seventeen Million Seven Hundred Thousands (Kshs. 17,700,000/=) only.

b) That the said sum of **Kshs. 17,700,000/=** be paid as hereunder;

i. Kenya Shillings **Seventeen Million one Hundred Thousands (Kshs. 17,100,000/=)** be paid directly into account No. **011000862743000013 Cooperative Bank of Kenya Ltd, Eldoret**, in the name of Stephen Kipkorir Ngetich.

ii. Kenya Shillings **Six Hundred Thousands (Kshs. 600,000/=)** be paid to Ms. Chebii & Co. Advocates client **A/C No. 1250737753, KCB Bank Limited, Eldoret.**

c) The suit land herein designated as **NANDI/KIPKAREN SETTLEMENT/952** Measuring 10 Hactares and currently registered in the name of **BILLHOUSE INVESTMENT LIMITED** the intended 3rd party herein, is agreed to wholly belong to the said Billhouse Investment Limited.

d) That neither the Plaintiff nor the Defendant shall now or in the future lay any claim upon the suit property herein upon the execution of his consent.

e) That upon the full refund of the sum mentioned in clause 2 herein above, this matter shall be marked as fully settled and each party shall bear their own costs of suit.'

5. In the circumstances, I subscribe to the decision in the case of **Otieno & another vs Bodo {2025} KECA 73 (KLR)** where the Court of Appeal cited with approval the decision in **Kenya Commercial Bank Ltd vs Specialized Engineering Co, Ltd (1982) KLR 485** where Harris J held;

'A consent order entered into by counsel is binding on all parties.....'

6. Clearly, this matter inclusive of the application has been settled by the Consent dated 9th December 2025 by Chebii and Company Advocates, George O. Mwanyumba and Associates Advocates and Kipruto Maritim and Company Advocates for the interested party/applicant, the

defendant/respondent and the plaintiff/respondent respectively.

7. Thus, the said Consent dated 9th December 2025 is hereby adopted as the order of this court accordingly.

8. It is so ordered.

Dated and Delivered at Kapsabet this 19th day of March 2026

Hon. G.M.A. Ongondo

JUDGE

In the presence of;

1. Mr. Kipruto Maritim leaned counsel for the plaintiff/respondent
2. Ms. Tum instructed by Dr Chebii learned counsel for the interested party.
3. Walter, court assistant