

**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT OF KENYA**

**AT KAPSABET**

**ELCL CASE NO. E004 OF 2026**

**STELLA JEPNGETICH KARONEI (Suing as the legal representative of the Estate of Karonei Koskei-DECEASED) .....PLAINTIFF/APPLICANT**

**-VERSUS-**

**KIPTOO ARAP**

**MURGOR.....DEFENDANT/RESPONDENT**

**RULING**

1. The plaintiff/applicant through Messrs Bitok and Sambu Advocates, generated an application by way of a Notice of motion dated 3<sup>rd</sup> February 2026 for the orders infra;

a) Moot

b) That this Honourable Court be pleased to issue a temporary injunction restraining the Defendant and/or his agents, servants, employees, and or any person purporting to act under his instructions from surveying,

taking possession, interfering with the existing boundaries and/or in any way interfere with the Plaintiff's use/possession of the portion measuring 8.0 acres of parcel number NANDI/KAMOYWO/325 (The suit land herein) pending the hearing and determination of the main suit.

c) That the OCS Mosoriot Police Station do provide security and ensure observance of the orders issued herein.

d) Costs be provided for.

2. The application is based on the applicant's supporting affidavit of even date and the accompanying documents including a copy of Ad Litem Grant and the grounds, inter alia;

a) That the deceased Karonei Kosgei and the Defendant are the registered proprietors of the suit land measuring approximately 14.4 acres.

b) That the Deceased Karonei Kosgei and the Defendant shared the land on ground as follows; -

Karonei Kosgei - 8.0 acres

Kiptoo Murgor - 6.4 acres

- c) That the two proprietors have been in occupation, use and possession of their respective portion since the year 1982 to date without either interfering with the other.
- d) That Karonei Kosgei died on 26<sup>th</sup> March 2010 and his estate continues to be in occupation, use and possession of 8.0 acres of the suit land.
- e) That the Defendant has without any colour of right made claims that he is entitled to more land and has made attempts to resurvey the land through the County Surveyor Nandi.

3. I have heard Mr. Sambu and Mr. Keter learned counsel for the applicant and the respondent/defendant respectively as regards an order for status quo over the suit land reference number NANDI/KAMOYWO/325 pending the hearing and determination of the preliminary objection dated 9<sup>th</sup> March 2026 and the entire suit land. I subscribe to the Court of Appeal decision in **Ogada-vs Mollin {2009} KECA 409 (KLR)** and being guided by **section 13 (7) of the Environment and Land Court 2015 (2011)** for the ends of justice, I hereby direct thus;

- a) There be status quo order over the suit land in line with prayer No. 3 of the application **save** that the order of status quo in lieu of injunction sought, the parties to remain in their current possession of their respective portions of the suit land pending the hearing of the Preliminary Objection dated 9/3/2026 and its determination as well as the entire suit.
- b) That the OCS Mosoriot Police Station do provide security and ensure observance of the orders issued herein.
- c) Costs of the application be in the cause.
4. The Preliminary Objection be heard by written submission. So, the Defendant's Counsel and the Plaintiff's Counsel to file and serve submissions within two days from this date and fourteen days upon service of the Defendant's submissions respectively.
5. The Preliminary Objection is fixed for 27<sup>th</sup> May 2026 to confirm compliance and for further directions.
6. It is so ordered.

**Dated and Delivered at Kapsabet this 16<sup>th</sup> day of March, 2026.**

**Hon. G. M. A. Ong'ondo,**  
**JUDGE**

**In the presence of; -**

1. Mr. Sambu learned counsel for the Plaintiff
2. Mr. Keter learned counsel for the Defendant
3. Walter Court Assistant