



b) AN EVICTION ORDER directed to the Defendant, her agents, servants, and/or any person claiming under her, to vacate the suit premises forthwith.

**2.** Simultaneously, the plaintiff filed an application by way of a notice of motion of even date seeking orders including mandatory and temporary injunctions as well as eviction order over the suit land.

**3.** It is worth to note that the Notice of withdrawal dated 14<sup>th</sup> March 2026 reads;

*'.....that the Applicant/Plaintiff herein gives notice and wholly intends to withdraw the Plaint and Application both dated 26<sup>th</sup> January 2026 and filed on even date, pursuant to Order 25 Rule 1 of the Civil Procedure Rules 2010.'*

**4. Order 25 of the Civil Procedure Rules 2010**

provides for the abandonment or withdrawal of claims before court.

**5.** It is trite law that parties are at liberty to withdraw a matter before court the court has the power to have it withdrawn; see **Asanyo & others vs Attorney General (2020) KESC 62 (KLR).**

**6.** In the circumstances, the notice of withdraw is merited.

**7.** A fortiori, the instant suit and the application in entirety, be and are hereby marked as withdrawn with no orders as to costs.

**8.** It is so ordered.

**Dated and Delivered at Kapsabet this 23<sup>RD</sup> March 2026.**

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

**JUDGE**

**In the presence of;**

1. Mr. Kipchirchir learned counsel for the plaintiff/applicant
2. Walter, court assistant