



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT NAROK

ELC PET NO. 58 OF 2018

ELIZABETH WANJA MWANGI.....PETITIONER

-VERSUS-

NAROK COUNTY EXECUTIVE COMMITTEE.....1ST RESPONDENT

LANDS, URBAN DEVELOPMENT AND PHYSICAL PLANNING NAROK COUNTY

GOVERNMENT.....2ND RESPONDENT

EDWARD KINGETICH RONO.....APPLICANT/PROPOSED INTERESTED PARTY

RULING

The Proposed Interested Party had by a Notice of Motion dated 14th February, 2019 sought to be enjoined as an interested party in the Petition and pending the hearing and determination of the said Application the petition be stayed. The Application is based on the grounds that he is the registered owner of Plot No. 548HD Block 11 Narok which he is in occupation and possession and was never enjoined in the Petition as party and the same shall be prejudicial to his interest in Plot No. 548HD Block 11 Narok Town.

The application was opposed by the Petitioner who had filed grounds of opposition and argued that the Applicant has not shown sufficient cause for joinder as an interested party and that the application does not have any direct or identifiable interest in the land and that the applicant has not shown the threshold for the grant of stay of the proceedings.

I have considered the Application before me and the submissions filed by the parties. The instant Application was filed as a result of Petition in which the Petitioner alleges that she is the owner of Plot No. 548HD Block 11Narok Township which was later transferred to another party. The interested party on his part claims to be the owner of the land forming the foundation of the Petition.

From the Application I find that the Applicant is a person who has interest in the suit land. It shall serve the interest of justice if he is accorded the right to be heard and his inclusion in the suit will assist the court to effectively determine the issue between the parties.

The upshot of the above is that I will allow the application dated 14th February,2019.

Each party to bear their own costs.

DATED, SIGNED and DELIVERED in open court at NAROK on this 23rd day of OCTOBER, 2019

Mohammed Kullow

Judge

23/10/19

In the presence of: -

N/A for the parties

Mohammed Kullow

Judge

23/10/19