



REPUBLIC OF KENYA



Kenya Electricity Transmission Company Limited v Biego & 19 others (Environment and Land Case 96 of 2021) [2025] KEELC 5539 (KLR) (23 July 2025) (Ruling)

Neutral citation: [2025] KEELC 5539 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAPSABET
ENVIRONMENT AND LAND CASE 96 OF 2021
GMA ONGONDO, J
JULY 23, 2025**

BETWEEN

KENYA ELECTRICITY TRANSMISSION COMPANY LIMITED PLAINTIFF

AND

KIBI ARAP BIEGO 1ST DEFENDANT
EMILY CHEPTOO MELI 2ND DEFENDANT
JOHN KIBIWOT KIPLAGAT 3RD DEFENDANT
PRISCILLA SIMOTWO 4TH DEFENDANT
MARK KEMBOI LELEI 5TH DEFENDANT
ASHA NAFULA 6TH DEFENDANT
CHEGUGU STANLEY MAGRAY 7TH DEFENDANT
ELIUD KIPKORIR 8TH DEFENDANT
ROSEMARY CHELAGAT KOSKEI 9TH DEFENDANT
KIPRONO ARAP CHESASUR & ALEX MWARABU AGUI ... 10TH DEFENDANT
JOSHUA KIMELI YEGO & LEAH JEBITOK SAINA (THE ADMINISTRATOR OF THE ESTATE OF KIPYEGO ARAP TUWEI) 11TH DEFENDANT
KIBIWOT ARAP CHEMUIYWA 12TH DEFENDANT
CLEOPHAS KIPKETER SUGUT (THE ADMINISTRATOR OF THE ESTATE OF KIPSUGUT ARAP CHEPSIROR) 13TH DEFENDANT
JACKSON KIBET SEREM 14TH DEFENDANT
CHERUTO RABLELEI BUREN 15TH DEFENDANT
JOYCELINE JEROP BET'T 16TH DEFENDANT



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| GILBERT SAWE | 17 TH DEFENDANT |
| WILLIAM KIPKOSGEI MOSBEI | 18 TH DEFENDANT |
| GRACE JEPKETER KOGOI | 19 TH DEFENDANT |
| ROBERT KIPCHUMBA KALGALEY | 20 TH DEFENDANT |

RULING

1. By the Chamber Summons application dated 21st July 2025, the firm of Betty Koech and Company Advocates for the, 2nd, 3rd, 4th to 8th defendants and 10th, 11th, 13th, 14th, 16th to 19th defendants is seeking the orders thus;
 - a. That the firm of Betty Koech and Company Advocates be allowed to cease acting for the 2nd, 3rd, 5th, 6th, 7th and 8th defendants.
 - b. That costs of the application be provided for.
1. The application is based on the affidavit of Betty C. Koech and the grounds, inter alia;
 - (i) The said Defendants have failed to give further instructions to enable the firm continue representing them.
 - (ii) Despite several attempts made, no instructions have been forthcoming and as such the firm is unable to proceed with the matter in the absence of instructions.
2. The respondents/defendants in the application were duly served with the application as disclosed in the affidavit of service sworn on 22nd July 2025. However, the 5th and 6th respondents are absent for inter parties hearing of the application.
3. Ms Betty Koech has sought to have the application allowed against the 5th and 6th respondents only as the other respondents' intention is to give her further instructions in the matter.
4. So, is there merit in the instant application?
5. I have taken into account the provisions of the law including Order 9 Rule 13 of the Civil Procedure Rules 2010 under which the application was originated. The undefended application reveals that the respondents have not given further instructions to counsel herein.
6. Notably, in the case of *Delphis Bank Limited v Channan Singh Chatthe & 6 others* (2005) KECA 297, it was held, *inter alia*;
 'The right to a legal representation or advocate of his choice is a most valued constitutional right to a litigant.....'
7. Besides, the instant application reveals that the 5th and 6th respondents have failed to substantially fulfil obligations to their counsel as regards their services in this suit. So, their counsel deserves the orders sought in the application.
8. The upshot of the foregoing is that the chamber summons dated 21st July 2025 is merited against the 5th and 6th respondents and the same is hereby allowed in terms of order NO. 2 sought therein as stated in paragraph 1 (a) hereinabove against the 5th and 6th defendants/respondents only.



9. The 5th and 6th respondents are at liberty to engage another counsel or re-engage Betty Koech and Company Advocates or act in person.
10. Given the nature of the application, there shall be no orders as to costs.
11. It is so ordered

DATED AND DELIVERED AT KAPSABET THIS 23RD JULY 2025

G M A ONGONDO

JUDGE

PRESENT

Mr Mbugua learned counsel for the plaintiff

Ms Koech learned counsel for the 2nd, 3rd, 4th to 8th defendants and 10th, 11th, 13th, 14th, 16th to 19th defendants

Mr Rotich learned counsel for the 20th defendant

Walter, court assistant

