



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT NAROK

ELC NO. 42 OF 2019

PEMBA KETURE.....1ST PLAINTIFF/APPLICANT

NAPAYANG KIJAPE.....2ND PLAINTIFF/APPLICANT

VERSUS

KATANA DOPOI LENKUME.....1ST DEFENDANT/RESPONDENT

SONKOI KETURE.....2ND DEFENDANT/RESPONDENT

LAND ADJUDICATION AND SETTLEMENT OFFICER

NAROK SOUTH/WEST.....3RD DEFENDANT/RESPONDENT

DIRECTOR OF LANDS

ADJUDICATION AND SETTLEMENT.....4TH DEFENDANT/RESPONDENT

ATTORNEY GENERAL.....5TH DEFENDANT/RESPONDENT

RULING

By a Notice of Motion dated 12th November, 2019 and brought under order 51,40 and Section 3 and 3 (A) of the Civil Procedure Rules the Applicant had sought for orders of safety or suspension on operation of the content of a letter dated 18th October, 2019 restraining the Defendants from conducting elections of the officials of Elangata Enteret/Enkutoto Group Ranch on 14th November, 2019 or any other day pending the Ruling of ELC CASE No. 42 of 2019.

The Application was based on the grounds that the Court did not in its ruling delivered on 18th September, 2019 call on for elections and that the Respondents have misled facts and misrepresented them when there is a ruling that is pending.

I have read the Application before me and the submissions made by the Applicants and the Respondents' and I am satisfied that the motion dated 19th July, 2019 which is pending ruling in which one of the orders sought is the calling of any Annual General Meeting of Elangata Entiret/Enkutoto Group Ranch. The Ruling is pending and is set to be delivered on 2nd February, 2010.

In view of the above I find that the holding of any election is an abuse of the process of the court and will render the entire suit and the Notice of Motion dated 19th July, 2019 nugatory and consequently I grant an order suspending and staying the letter dated 18th October, 2019 and further restrain the Defendants from conducting the elections of Group Representatives pending the delivery of the Ruling in the Notice of Motion dated 19th July, 2019.

I will deliver the substantive ruling of the Notice of motion dated 13th November, 2019 on 27th November, 2019.

DATED, SIGNED and DELIVERED in open court at NAROK on this 13TH day of NOVEMBER, 2019.

Mohammed Kullow

Judge

13/11/19

In the presence of: -

CA:Chuma/Kimiriny

Langat for the 1st and 2nd defendants/respondents

Ochang' for the Plaintiffs/Applicants

Mohammed Kullo

Judge

13/11/19