



**REPUBLIC OF KENYA**

**IN THE ENVIROMENT AND LAND COURT AT KITALE**

**LAND CASE NO. 46 OF 2013**

**AFRICAN INLAND CHURCH KENYA.....PLAINTIFF**

**(TRUSTEES REGISTERED)**

**VERSUS**

**NAOMI ENYANG.....1<sup>ST</sup> DEFENDANT**

**AMIN ALI MOHAMED.....2<sup>ND</sup> DEFENDANT**

**RULING**

1. Some of the parties in this suit have opposed the adoption of the surveyor's report which was filed in this matter.
2. The said report was filed pursuant to a consent entered into by the parties on 27/7/2016. I have examined at the said report. As ordered on 27/7/2016, it is filed by a joint team comprising of the County Physical planner, the Town Administrator Turkana, and the County Surveyor. However, upon hearing the parties, on the said issue, I do not find any convincing reason as to why a report whose necessity was agreed upon by all the parties some time ago should be rejected. In any event any party who needs to challenge the veracity of the contents of the said report may cross examine the makers thereof or otherwise demonstrate why the same is not valid.
3. For this reason, I dismiss the objections to the report as premature at this stage, and I order that the suit be listed for hearing on a priority basis.

**Dated, signed and delivered at Kitale on this 25th day of January, 2018.**

**MWANGI NJOROGE**

**JUDGE**

**25/01/2018**

Coram - Before Mwangi Njoroge Judge

Court Assistant - Isabellah

N/A for the parties

**COURT**

Ruling read in the absence of the Counsel for the parties who had notice of the date but did not attend.

**MWANGI NJOROGE**

**JUDGE**

**25/01/2018**