



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT OF KENYA

AT NAKURU

ELC NO.532 OF 2013

SIMON KANDIE & 6 OTHERS.....PLAINTIFFS

VERSUS

RICHARDSON KIPKOECH BUNDOTICH & 5 OTHERS.....DEFENDANTS

RULING

I have seen the application dated 26 July 2017 filed by the 1st and 2nd defendants which inter alia seeks that this suit be dismissed for want of prosecution and return of various Company instruments deposited in court.

The plaintiffs have now withdrawn the case, so there is no issue on the dismissal of the case for want of prosecution.

On the return of the company instruments, I have before me a letter dated 19 December 2017 from the Registrar of Companies indicating the names of directors. None of these is the 1st and /or 2nd defendants.

From the list, I can see the names of the 1st plaintiff, 3rd plaintiff and 6th plaintiff. These according to the records before me are among the known directors.

Mr. Olonyi has not tendered anything before me to demonstrate that his clients are company officials. I was referred to orders made in two cases i.e. HCC No.18 of 2015 and JR No.1 of 2015. I have called for and perused these files. HCC No.18 of 2015 was filed by Mr. Olonyi's clients and dismissed. JR No.10 of 2015 has never had any movement since 2015 and most importantly, I have no determination made in those 2 cases that the persons named the list of 17 December 2017 are not directions of the company.

I therefore order that the company instruments be released jointly to the 1st, 3rd and 6th plaintiffs.

It is so ordered.

Dated, signed and delivered in open court at Nakuru this 1st day of February 2018.

JUSTICE MUNYAO SILA

ENVIRONMENT & LAND COURT AT NAKURU

In presence of : -

Mr Bosire present for the plaintiff

Mr. Olonyi present for the 1st and 2nd defendants

Ms. Cheruto holding brief for Mrs. Ndeda for 4th defendant.

Mr. Langat holding brief for Mr. Orege for 5th defendant.

Court Assistant : Janepher

JUSTICE MUNYAO SILA

ENVIRONMENT & LAND COURT AT NAKURU