

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT NAROK

ELC CAUSE NO. 390 OF 2017

FORMERLY KISII ELC NO. 286 OF 2013

STEPHEN OLE BARTA & 2 OTHERS.....PLAINTIFF

VERSUS

ALI FARAH AWARD.....DEFENDANT

RULING

The Application before me is the Notice of Motion dated 29th June, 2018 seeking for orders that the court do set aside the orders it made on 12th March, 2018 requiring the Registrar Trans Mara to visit the suit land and file a report in court on land parcel No. Trans Mara/Kerinkani 8 and 9.

The above application was filed subsequent to the plaintiff closing giving evidence and the court directing the registrar to avail a report on the suit land and determine the actual boundary of the suit parcel of land.

The Registrar had filed a report in court and it is the parties' contention that they are satisfied with the report that was prepared by both the surveyor and the registrar.

In view of the above I find that the application dated 29th June, 2018 has no merit and I dismiss the same with costs.

DATED, SIGNED and DELIVERED in open court at **NAROK** on this 27th day of **September, 2018**

Mohammed Noor Kullow

Judge

27/9/18

In the presence of:

CA:Chuma

Ms Adale holding brief for for Ogutu for the Defendant

Mr. Ouma holding brief for Mr. Ochelo