



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT NAROK**

**ELC CAUSE NO. 344 OF 2017**

**KASUJI OLE SEITAI ALIAS SENTAI.....1<sup>ST</sup> PLAINTIFF**

**TEPAPUL ONOLE LEMUA.....2<sup>ND</sup> PLAINTIFF**

**NARIKUNKERA ENE LEMWA.....3<sup>RD</sup> PLAINTIFF**

**-VERSUS-**

**MOSOKOI OLELEMUA SEITAI.....1<sup>ST</sup> DEFENDANT**

**THE DISTRICT LAND REGISTRAR, TRANS-MARA.....2<sup>ND</sup> DEFENDANT**

**RULING**

I have heard the Application made by the parties. It is evident that parties had voluntarily submitted themselves to the Arbitration process, however, once the arbitral report was filed in court on 27<sup>th</sup> March, 2018 the same was challenged by the plaintiffs.

I have perused the report and I find that the same is not conclusive in determining the issues between the parties. The Affidavit of the 1<sup>st</sup> Plaintiff has been challenged as the members of the Arbitration Committee have found that the 1<sup>st</sup> Plaintiff is an old man who can't walk without support and he is said to be one who cannot talk or hear.

From the report, I find that there are several transactions and transfers that took place in which it shall be prudent to have it heard and veracity of all the allegations made tested through a formal hearing.

From the above I find that the report that was filed lacks clarity and does not settle the issue as between the parties and I therefore order the setting aside of the said report and I direct that the suit do proceed for hearing.

Orders accordingly.

Since the suit herein falls within the jurisdiction of the Magistrate's court I order the suit be transferred to Kilgoris Principal Magistrate's Court for hearing and determination.

**DATED, SIGNED and DELIVERED** in open court at **NAROK** on this **24<sup>th</sup>** day of **September, 2018**.

**Mohammed Noor Kullow**

**Judge**

**24/9/18**

In the presence of:

CA:Chuma

Mr Ogutu for the 1<sup>st</sup> Defendant

**Mohammed Noor Kullow**

**Judge**

**24/9/18**