



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT**

**AT KITALE**

**LAND CASE NO. 152 OF 2015**

**CHARLES MUINDI SOO.....PLAINTIFF**

**VERSUS**

**PROTUS KIRISWA.....1<sup>ST</sup> DEFENDANT**

**ISAIAH WANYONYI.....2<sup>ND</sup> DEFENDANT**

**RULING**

1. In the plaint dated 23/11/2015 which was filed on the same day the plaintiff seeks the following orders against the defendants:-

(a) **An order of declaration that the plaintiff is the rightful owner of all that land known as Land Title No. Kitale Municipality Block 7/177 measuring approximately Nought Decimal One Eight Six Four (0.1864) Hectares or thereabouts and situated within Kitale Municipality in Trans-Nzoia County.**

(b) **An order of eviction so issue against the defendants jointly and severally, their agents, servants, employees and/or any other persons claiming through them from the plaintiff's land known as Land Title No. Kitale Municipality Block 7/117 measuring approximately Nought Decimal One Eight Six Four (0.1864) Hectares or thereabouts**

(c) **Costs of the action.**

(d) **Any other relief the honourable court may deem fit to grant.**

2. It came to the attention of this court before the completion of its judgment in the instant suit that there is other litigation involving the blocks of land from which the parcel claimed by the plaintiff herein has apparently been carved. That litigation is **Kitale ELC 4 of 2018** in which this court has already issued orders.

3. It is also noted that there are other cases including **Kitale Petition Number 6 of 2018** and **Kitale Petition No 7 of 2018**.

4. There would be no good reason to issue a judgment in this matter while litigation which involves a greater number of litigants is pending.

5. I therefore order that the issuance of judgment in this case shall be put in abeyance till **Kitale ELC 4 of 2018** and **Kitale Petition Number 6 of 2018** are finalised.

6. This suit will be mentioned alongside those petitions on **15<sup>th</sup> October 2018** for further directions.

It is so ordered.

Dated, signed and delivered at Kitale on this **11<sup>th</sup>** day of **October, 2018**.

**MWANGI NJOROGE**

**JUDGE**

**11/10/2018**

Coram:

Before Hon. Mwangi Njoroge, Judge

Court Assistant - Picoty

Mr. Analo for plaintiff

Ms. Mufutu holding brief for Ingosi for defendant

**COURT**

Ruling read in open court.

**MWANGI NJOROGE**

**JUDGE**

**11/10/2018**