



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT KITALE

LAND CASE NO. 167 OF 2017

PIUS ISAIGA & 57 OTHERS.....PLAINTIFFS/APPLICANTS

VERSUS

SAMMY KIPROTICH KOSGEL.....1ST DEFENDANT/RESPONDENT

CLEMENT KIPROTICH LAGAT.....2ND DEFENDANT/RESPONDENT

R U L I N G

1. The Notice of Motion dated **31/10/2018** and filed on the same date sought the following orders

(1) That this application be certified as urgent. Service of the same be dispensed with and interim orders be granted in the first instance.

(2) That the defendants' agent – Igare Auctioneers be compelled to release the Motor Vehicle Registration No. KCP 160V on running, attachment basis pending the hearing and determination of this objection proceedings.

(3) That this honourable court may be pleased to make an order raising the attachment of the Objector's Motor Vehicle Reg. No. KCP 160V as set out in the proclamation dated 22nd August, 2018.

(4) That the costs of this application be provided for.

2. The application is brought under **Order 22 Rule 51, 52, 53 and 54 of the Civil Procedure Rules and Section 3A of the Civil Procedure Act.**

3. The grounds on which the said application is made are that the objector has legal interest in the motor vehicle registration number KCP 160V which the defendants/deed holders have attached as it is the registered owner thereof yet it was not party to the suit that gave rise to the judgment being enforced. It is averred that it stands to suffer prejudice if the application is not granted.

4. The application is supported by the affidavit dated **31/10/2018** sworn by **Lawrence Anthony Ouma** the legal officer of the Objector.

5. I have considered the contents of that affidavit and the annexures and I am persuaded that the vehicle is jointly registered in the names of the objector and the 16th plaintiff, **Patrick Imbiakha** and that if the same is disposed of the objector would suffer prejudice.

6. Further, I observe that the application is unopposed.

7. I hereby grant the application as prayed in **prayer 2** and **prayer 3** thereof.

Dated, signed and delivered at Kitale on this 15th day of November, 2018.

MWANGI NJOROGE

JUDGE

15/11/2018

Coram:

Before - Mwangi Njoroge, Judge

Court Assistant - Picoty

Mr. Khisa holding brief for Barongo for objector

N/A for the respondent/defendant

COURT

Ruling read in open court.

MWANGI NJOROGE

JUDGE

15/11/2018