

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT OF KENYA AT ELDORET

E & L CASE NO. 113 OF 2014

EZEKIEL KIPROP LAGAT.....PLAINTIFF

VERSUS

JAMES KIRWA.....1ST DEFENDANT

COSMAS ROTICH.....2ND DEFENDANT

DAVID LAGAT.....3RD DEFENDANT

FRANCIS MERES.....4TH DEFENDANT

IRENE CHELULE.....5TH DEFENDANT

RULING

Francis Meres, the 4th defendant herein has come to court for an injunction restraining the plaintiff whether by himself, servants, agents and or any other person acting on his behalf or under his instructions from entering, cultivating, planting or in any other way, interfering with the 4th defendant's quiet possession of land known provisionally as ***Kiplombe/Kiplombe Block 2 (Kipsang Suge) 79*** measuring 3.3 acres and referred to by the plaintiff as parcel No. Kiplombe/Kiplombe Block 2(Kapkeben) 38 pending the hearing and determination of the suit.

The application is grounded on facts that the process of survey is now complete and the suit land is now known as Kiplombe/Kiplombe Block 2(Kipsang Suge)79.The initial order did not restrict the defendants from ploughing the land.

I have considered the application and do find that the same appears to be an application for review of the orders made on 2.10.2015 as by the time the orders were made, the court was not informed that Kiplombe/Kiplombe Block 2(Kipsang Suge) 79 existed. It is in the interest of justice that the status quo as at the time of the order made on 2.10.2015 was issued be maintained. I do order that the status quo ante 2.10.2015 be maintained until hearing and determination of the suit. Costs in the cause.

DATED AND DELIVERED AT ELDORET THIS 31ST DAY OF MARCH, 2017.

A. OMBWAYO

JUDGE