

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT ELDORET

E&L 142 OF 2017

MARK KIPTANUI ARAP TOROITICH.....PLAINTIFF

VERSUS

DAVID KIPCHUMBA KIPTAI.....1ST DEFENDANT

GEORGE KIPROTICH KIPTAI.....2ND DEFENDANT

RULING

This matter was reserved for ruling of a Preliminary Objection on 12.7.2017. However after Succession Cause No. 104/2004 was availed, I realize that the cause is in respect of the Estate of Joseph Kirwa Sambu and not Toroitich Kiptai as per the Certificate of Confirmation of grant attached.

The grant in that succession cause 106/2004 was issued to Jackson Kipkerich Sambu and Millicent Jepkemboi and not Mark Kiptanui Arap Toroitich.

The dates when the purported grants were signed are also questionable as Justice Kimondo had not been appointed a judge by then and was not in Eldoret Station.

I therefore order that the Deputy Registrar refers the matter to the relevant agencies to investigate this matter.

The two files to be kept in the strong room. This matter is put in abeyance pending the outcome.

Dated and delivered at Eldoret on this 27th day of June, 2017.

M.A ODENY

JUDGE