



**REPUBLIC OF KENYA**

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

**ELC NO. 586 OF 2012**

**JACKSON A. ARAP CHUMO.....PLAINTIFF**

**VERSUS**

**WILLIAM MALAKWEN CHERUIYOT.....1<sup>ST</sup> DEFENDANT**

**SAMWE KIPTOO RONGOEL.....2<sup>ND</sup> DEFENDANT**

**DANIEL KUNGU ONYANGO.....3<sup>RD</sup> DEFENDANT**

**DAVID ODHIAMBO.....4<sup>TH</sup> DEFENDANT**

**SOLOMON FUTWA.....5<sup>TH</sup> DEFENDANT**

**SEDRIC WEINE.....6<sup>TH</sup> DEFENDANT**

**VINCENT ODHIAMBO.....7<sup>TH</sup> DEFENDANT**

**WILLY MBITHI.....8<sup>TH</sup> DEFENDANT**

**MBUGWA THUO.....9<sup>TH</sup> DEFENDANT**

**DAMARIS IMINZA MWILITZA.....10<sup>TH</sup> DEFENDANT**

**SCOLASTICA WANGARE GATHURU.....11<sup>TH</sup> DEFENDANT**

**MAGRATE WANJIRU GATENGU.....12<sup>TH</sup> DEFENDANT**

**ROSE MUMBI KANYALI.....13<sup>TH</sup> DEFENDANT**

**JUDGMENT**

**INTRODUCTION**

1. There be a permanent injunction against the defendants restraining them whether acting by themselves or agents or servants or anybody acting under their instructions from interfering in any manner with the plaintiff's occupation of ELDORET MUNICIPALITY/BLOCK 20 (KAPYEMIT) 195 and the defendants be evicted from the said parcel of land.

2. Costs and interests.

That he currently resides in Kipkaren Salient within Nandi County of the Republic of Kenya

The suit parcel of land initially belonged to his step mother M/s Jebwambok Tapkili Ranyei (Deceased) who died in 1983.

He stayed with the deceased person in the disputed parcel of land until she demised.

Before she died she had expressed her wish to give him the same parcel of land and to go and live in the one at Kipkaren Salient and while they were in the process of formalizing that she died in a suspicious manner.

The disputed parcel of land is Eldoret Municipality/Kapyemit/195) near Kapsaos area) measuring 10.4 acres.

The deceased person obtained a title deed for the said suit land and gave to his mother for safe keeping.

One of his step brother was claiming the said parcel of land and swore to do anything possible to take the said land.

After the death of the said lady he applied for Letters of Administration to distribute the estate of the deceased Jebwambok Tapkili Ranyei and was given which later it was confirmed through certificate dated 4.12.2006 and he transferred the ownership of the land to himself and obtained a title-deed.

Meanwhile, Mr. William Malakwen Cheruiyot sold to third parties part authority to do so. He sold 2.4 acres to other people claiming that the land belongs to him.

He filed a suit at the Eldoret High Court NO. 103 of 2007 now Eldoret E&L no. 352 of 2012.

The court ruling was given in his favour and a court order was issued to put an injunction to all the Defendants from interfering with the said parcel of land.

He wish this dispute to be dealt with as fast as possible to enable him used the said suit land.

He wants to ask the court to give him the said parcel of land and the stranger in the land to be removed to leave vacant possession of the land. He also prays for costs.

Dated and delivered at Eldoret on this 18<sup>th</sup> day of July, 2017.

**M.A ODENY**

**JUDGE**