



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT OF KENYA

AT NAKURU

ELC NO. 272 OF 2015

MASEK OLE TINKOI.....1ST PLAINTIFF

ODUPOI OLE LETOYA PARSITAU.....2ND PLAINTIFF

FRANCIS WAITITU IGANJO.....3RD PLAINTIFF

JOHN KARUNGAI NYAMU.....4TH PLAINTIFF

VERSUS

KENYA GRAIN GROWERS LIMITED.....1ST DEFENDANT

THE ATTORNEY GENERAL.....2ND DEFENDANT

KENYA REVENUE AUTHORITY.....3RD DEFENDANT

RULING

1. This suit is one commenced by way of an originating summons and claiming entitlement to the land LR No.9134/3 situated in Naivasha, by way of adverse possession. That land is registered in the name of the Kenya Grain Growers Limited which the applicants claim was deregistered in the year 1978 and no longer in existence.

2. In the application for directions dated 28 April 2016, the applicants have sought that service be dispensed with since the company is defunct.

3. I have however seen from the replying affidavit of the 3rd respondent that the company may have changed names to Kenya Farmer Association Limited although the company named in the certificate of change is Kenya Grain Growers Co-operative Union Limited and not Kenya Grain Growers Limited. It is difficult for me to tell conclusively, whether the reference is to the same or different companies.

4. Taking all the above factors into consideration, in my view, the most appropriate directions are as follows: -

1. The summons to Enter Appearance upon Kenya Grain Growers Company Limited, the named 1st respondent be by way of a conspicuous advertisement in either the Daily Nation or Standard Newspaper, on a weekday edition; and in addition:-

2. The Kenya Farmers Association Company Limited be served in their offices with the Summons to Enter Appearance in respect of Kenya Grain Growers Company Limited

3. The above be effected within the next 30 days.

4. The case be mentioned for further directions on a date to be taken in the registry.

Dated, signed and delivered in open court at Nakuru this 13th day of October 2016.

MUNYAO SILA

JUDGE

ENVIRONMENT & LAND COURT AT NAKURU

In presence of : -

No appearance on part of counsel for applicant

No appearance on part of counsel for respondent

Court Assistant : Janet

MUNYAO SILA

JUDGE

ENVIRONMENT & LAND COURT AT NAKURU