



REPUBLIC OF KENYA
IN THE ENVIRONMENT OF LAND COURT OF KENYA
AT NAKURU
ELC 174 OF 2013
ISAACK K BUSIENEIAPPLICANT
VERSUS
KIPRONO OLE KIMAIWA.....1ST DEFENDANT
ERREU ARAP NGENO.....2ND DEFENDANT
WILLIAM LEMISO ARAP SITIENEI3RD DEFENDANT
KINYAKE ARAP CHEBORUS.....4TH DEFENDANT

RULING

(Application for amendment of plaint; application not opposed; application allowed)

1. The application before me is that dated 23 June 2014 filed by the plaintiff. It is an application seeking leave to amend the plaint.
2. The original plaint was filed on 13 February 2013. The claim in the suit is over the land parcel Narok/CIS Mara/Ilmotiok/331 (the suit land) . In the original plaint the plaintiff has pleaded that in the year 1978 the suit land was sold to him by the defendants and he thereafter took possession of it. He has sought orders of permanent injunction against the defendants, and orders to compel the defendants to transfer the suit land to him and costs.
3. I have seen the draft amended plaint which has been availed by the applicant. I have seen that what the plaintiff proposes to do is to elaborate the sale agreements of 1978, which were several, and also add an alternative prayer for adverse possession.
4. Despite being served with the application the defendants have not filed anything to oppose it and neither did their counsel appear at the hearing of the application.
5. Courts are generally liberal when it comes to allowing applications for amendment. I have on my part seen no reason why I should not allow the application to amend. All that the plaintiff seeks to do is to plead his case more elegantly and add the alternative prayer for adverse possession.
6. I therefore allow the application and grant leave to the plaintiff to amend his plaint. I direct that the amended plaint be filed and served within the next 14 days. The defendants have leave to file an amended

defence within 21 days of service of the amended plaint.

7. I make no orders as to costs.

It is so ordered.

Dated, signed and delivered in open court at Nakuru this 23rd April 2015.

MUNYAO SILA

JUDGE

ENVIRONMENT AND LAND COURT

AT NAKURU

In presence of :-

Mr B N Kipkoech for plaintiff /applicant

N/A for M/s Kiptoo K & Co Advocates for defendants/respondents.

Emmnauel Juma : Court Assistant

MUNYAO SILA

JUDGE

ENVIRONMENT AND LAND COURT

AT NAKURU