



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT OF KENYA AT ELDORET

E&L 68 OF 2013

STEPHEN KIPKOSGEI SAMOEI

PHILIP KATUI & 60 OTHERS.....PLAINTIFFS

VS

WILLIAM CHEPKIYENY.....1ST DEFENDANT

FRANCIS C. TUNOI & 20 OTHERS.....2ND DEFENDANT

(Application for leave to amend the plaint; plaintiffs seeking to amend plaint to include several other defendants and to make certain claims against them; application unopposed; application allowed)

RULING

The suit herein was instituted by way of a plaint filed on 20 February 2013. The plaint as filed was against 22 defendants. It was the claim of the plaintiffs that they are entitled to certain land described as Lower Cheptebo Adjudication Section Plot No. 43 measuring about 400 acres. The plaintiffs contended that the District Land Adjudication and Settlement Office of Keiyo and Marakwet Districts proceeded to sub-divide the said land into various portions and illegally allocated them to the 22 original defendants.

Through this application dated 18 September 2013, the plaintiffs seek leave to amend the plaint to introduce several additional persons as defendants including the Director of Land Adjudication, The Adjudication Officer Keiyo South District, the Chief Land Registrar, the Elgeyo Marakwet District Land Registrar and the Attorney General. The plaintiffs further wish to plead that the adjudication of the suit land was done fraudulently and they seek to plead certain particulars of fraud and illegality against the new defendants.

The application was served upon the Attorney General and the original defendants. None is opposed to the application to amend. On my part I do not see why I should deny the plaintiffs the leeway to plead their case as they wish. I only note that in the draft amended plaint, the numbering of the defendants is not very clear. I therefore grant leave to amend the plaint in line with the annexed draft amended plaint, save that the plaintiffs will need to re-number the parties named as defendants, so that they are named sequentially.

As to costs, the same shall be in the cause.

It is so ordered

DATED AND DELIVERED AT ELDORET THIS 30TH DAY OF JUNE 2014

JUSTICE MUNYAO SILA

ENVIRONMENT AND LAND COURT AT ELDORET

Delivered in the presence of:

Mr. H.O. Aseso present for the plaintiff.

Mr. J.K. Kipnyekwei present for 1st defendant.

Mr. P. Kuria of the state Law office present for intended additional defendants.