



**Kogo (Suing on her Behalf and as the Administrator of the Estate of the Late Sawe Kipruto Serem) v Keino & 2 others (Environment & Land Case E011 of 2024) [2025] KEELC 764 (KLR) (20 February 2025) (Ruling)**

Neutral citation: [2025] KEELC 764 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT KAPSABET  
ENVIRONMENT & LAND CASE E011 OF 2024  
GMA ONGONDO, J  
FEBRUARY 20, 2025**

**BETWEEN**

**FLORENTINA JEPKUTWO KOGO (SUING ON HER BEHALF AND AS THE ADMINISTRATOR OF THE ESTATE OF THE LATE SAWE KIPRUTO SEREM) ..... PLAINTIFF**

**AND**

**PETER SOME KEINO ..... 1<sup>ST</sup> DEFENDANT  
LAND REGISTRAR NANDI COUNTY ..... 2<sup>ND</sup> DEFENDANT  
COUNTY SURVEYOR NANDI COUNTY ..... 3<sup>RD</sup> DEFENDANT**

**RULING**

1. In the application by way of Notice of motion dated 17<sup>th</sup> January 2025, the plaintiff/applicant through Rotich, Langat and Partners Advocates, is seeking the orders infra;
  - a. That the Honourable court do issue an order to consolidate this suit, Kapsabet ELCC NO. E011 of 2024 with Kapsabet ELCC NO. 88 of 2021 9Formerly Eldoret ELCC NO. E021 of 2021)
  - b. That the cost of this application be provided for.
2. In a nutshell, the applicant states that the subject matter and the parties are the same in the two suits. That therefore, both suits be consolidated in the interest of justice.
3. Ms Tum learned counsel for the 1<sup>st</sup> respondent/defendant has no opposition to the application herein and confirms that the issues are the same in both suits. Mr Nabasenge learned counsel for the 1<sup>st</sup> defendant/respondent in the other suit, proposes that the same be heard denovo in the circumstances.



4. In that regard, the issue for determination is whether the application is meritorious.
5. It must be noted that in Kapsabet ELCC NO. 88 of 2021, Eliud Kiprotich Chepkwony Koech and the plaintiff herein sued the three defendants by a plaint (Fast Track) dated 26<sup>th</sup> March 2021 for, inter alia;
  - a. A Declaration that the registration of Land parcel no NANDI/KIPKAREN/SALIENT/920 in the name of the 1<sup>st</sup> defendant was irregular, unlawful and fraudulent therefore null and void ab-initio.
6. A declaration to the effect that the Plaintiff jointly and severally are not entitled to any portion of the suit land as claimed herein which land is registration No. NANDI/KIPKAREN SALIENT/920 measuring approximately 9.02 Ha (22.55 acres) and other orders are sought in the counter claim dated 21<sup>st</sup> November 2021 in the same suit.
7. In this suit, the applicant is seeking the orders which include; a declaration that the registration of NANDI/KIPKAREN SALIENT /920 in the name of the first defendant was void ab-initio.
8. . In light of the same subject matter and the parties in both suits, there is merit in the application.
9. Thus, the application be and is hereby allowed in terms of consolidation of the two suits with costs in the cause,
10. For clarity, Kapsabet ELCC NO. 88 of 2021 shall be the lead file and to be heard de novo to meet the ends of justice under, inter alia, sections 1A, 1B, 3 and 3A of the Civil Procedure Act Chapter 21 Laws of Kenya as read with sections 3 and 19 of the Environment and Land Court Act 2015 (2011).
11. The consolidated matter is set for mention on 23<sup>rd</sup> March 2025.
12. It is so ordered.

**DATED AND DELIVERED AT KAPSABET THIS 20<sup>TH</sup> FEBRUARY 2025.**

**HON. G M A ONGONDO**

**JUDGE**

**PRESENT**

Mr M Rotich learned counsel for the plaintiff/applicant

Ms Tum learned counsel for the 1<sup>st</sup> defendant/respondent

Walter, court assistant

