



REPUBLIC OF KENYA



**KENYA LAW**  
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**Choge v Kipkemboi & another (Environment and Land Miscellaneous Application  
E004 of 2025) [2025] KEELC 619 (KLR) (18 February 2025) (Ruling)**

Neutral citation: [2025] KEELC 619 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT KAPSABET  
ENVIRONMENT AND LAND MISCELLANEOUS APPLICATION E004 OF 2025  
GMA ONGONDO, J  
FEBRUARY 18, 2025**

**BETWEEN**

**ISAAC KIPKOSGEI CHOGE ..... APPLICANT**

**AND**

**PETER KIPKEMBOI ..... 1<sup>ST</sup> RESPONDENT**

**ISAIAH KIPCHIRCHIR ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. In the application by a Notice of motion dated 27<sup>th</sup> January 2025, the applicant through Cheronon Jepkosgey and Company Advocates is seeking the orders infra
  - a. That Kapsabet ELC No. 4 of 2023 Formerly Kapsabet CMELC No. E127 of 2021 *Isaac Kipkosei Choge v Peter Kipkemboi and Isaiah Kipchirchir* be transferred to the Principal Magistrate's court at Tinderet for hearing and final determination.
  - b. That costs be in the cause.
2. The application is founded upon eight grounds, inter alia;
  - a. The suit parcel of land Nandi/Kibisem/216 is situated within jurisdiction of Tinderet Law Courts.
  - b. The matter herein has been lying in court unattended to for over one year now since the court has no jurisdiction to handle the same.
3. Mr Kipkosgei Choge learned counsel for the respondent is in support of the application.
4. In that regard, is the application meritorious.
5. The instant claim relates to registration and occupation of the suit parcel of land.



6. The cause of action in the suit arose within the jurisdiction of Tinderet Law Courts.
7. This court is guided by, inter alia, sections 1A, 1B, 3, 3A, 5, 11, 15, 18 of the [Civil Procedure Act](#) Chapter 21 Laws of and more fundamentally, Articles 6 (3), 48 and 159 (2) (b) of the [Constitution of Kenya 2010](#) herein.
8. In the foregone, the application is merited. The suit is hereby transferred as sought in the application as per paragraph 1 (a) and (b) hereinabove.
9. It is so ordered.

**DATED AND DELIVERED AT KAPSABET THIS 18<sup>TH</sup> DAY OF FEBRUARY 2025.**

**GEORGE M A ONGONDO**

**JUDGE**

Present;

Ms Koech learned counsel for the applicant

Mr Choge learned counsel for the respondent.

