



**Busienei & 29 others v Kipkeibon Estate Ltd (Environment & Land Case
22 of 2022) [2024] KEELC 6933 (KLR) (17 October 2024) (Ruling)**

Neutral citation: [2024] KEELC 6933 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAPSABET
ENVIRONMENT & LAND CASE 22 OF 2022**

**MN MWANYALE, J
OCTOBER 17, 2024**

BETWEEN

**FRANCIS K BUSIENEI & 29 OTHERS & 29 OTHERS & 29
OTHERS PLAINTIFF**

AND

KIPKEIBON ESTATE LTD DEFENDANT

RULING

1. The Court did slot two applications which were to be heard simultaneously one of the applications was dated 14/11/2017 and the other was dated 8th October, 2018.
2. The nature of the applications is that they are related, one seeks substitution of deceased Plaintiff's and the other seeks that the suit against the deceased Plaintiff's be deemed to have abated.
3. However, upon perusal of the Court file, the Court was only able to see one application dated 14/11/2017. The Defendant had been directed to supply the Court with copies of the said application on 21/5/2024 but only supplied a copy of one application.
4. Consequently, the Court was not able to consider the applications and deliver its ruling on the same as earlier scheduled and directs that;
 - i. Application dated 8/10/2018 together with its responses be supplied to the Court by the parties herein within 3 days hereof, together with the respective submissions in the same time frame
 - ii. The substantive Ruling in respect of those applications shall be delivered on October 31, 2024.

RULING DELIVERED AND DATED AT KAPSABET THIS 17TH DAY OF OCTOBER, 2024.

HON. M. N. MWANYALE

JUDGE



Mr. Kosgey for Respondent/Defendant

Mr. Sambu for Plaintiff

