



Chepkonga & 4 others v Cheruiyot (Sued as the Administrator of the Estate of Joseph Kuruiyot Sitienei) & 2 others (Miscellaneous Application E028 of 2024) [2024] KEELC 13854 (KLR) (16 December 2024) (Ruling)

Neutral citation: [2024] KEELC 13854 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT ELDORET
MISCELLANEOUS APPLICATION E028 OF 2024
EO OBAGA, J
DECEMBER 16, 2024**

BETWEEN

**JAMES CHEPKONGA 1ST APPLICANT
BENJAMIN K. RUTO 2ND APPLICANT
BENEDETA JEPKEMBOI KIPTUM 3RD APPLICANT
SIMION K.A BII 4TH APPLICANT
LUCY C. KURUI (SUING AS THE ADMINISTRATOR OF THE ESTATE OF DANSON CHEMJOR) 5TH APPLICANT**

AND

**FRANCIS KIPLAGAT CHERUIYOT (SUED AS THE ADMINISTRATOR OF THE ESTATE OF JOSEPH KURUIYOT SITIENEI) 1ST RESPONDENT
JOHN KIBET KWAMBAI 2ND RESPONDENT
MARTIN CHERONO CHEPTARUS 3RD RESPONDENT**

RULING

1. The court is tasked with determining the Miscellaneous Application dated 7th June, 2024 in which the Applicants seek the following Orders:
 - a. Spent.
 - b. That this Honourable court orders the Respondents to remove themselves and/or any other persons that they may have placed on Land Parcels Karuna/Karuna Block 2(Karuna) 74, Karuna/Karuna Block 2(Karuna) 32 and Karuna/Karuna Block 2(Karuna) 177 forthwith and



in default the Respondents and/or such persons be forcibly evicted and vacant possession be given to the Applicants.

- c. That George Kimetto T/A Desire Recovery Auctioneers do effect and execute the above eviction orders.
 - d. That the OCS Karuna Police Station do offer security in ensuring compliance prayers (ii) and (iii) above.
 - e. That costs of this Application be provided.
2. The Application is premised on the grounds on the face of it and the Supporting Affidavit of even date sworn by one James Chepkonga, the 1st Applicant herein. He explained that Land Parcel Karuna/Karuna Block 2(Karuna) 74 is owned jointly by the 2nd, 3rd and 5th Applicant, Karuna/Karuna Block 2(Karuna) 32 belongs to him and Karuna/Karuna Block 2(Karuna) 177 is owned by the 4th Applicant. The Applicants were awarded a judgment on 29th October, 2002 by the Uasin Gishu Land Disputes Tribunal sitting at Kapsaret. The award was adopted as an order of the court in Eldoret Chief Magistrate's No. 8 of 2003, a decree issued on 5th March, 2003 pursuant to which, the Applicants issued with their respective title deeds.
 3. The 1st Applicant deponed that instead of appealing the decision of the Land Disputes Tribunal, the Respondents filed HC Misc. Application No. 140 of 2003 seeking orders to quash the award. The Application was dismissed for failure by the Respondents to file a substantive motion within 21 days as directed by the court. The Respondents then filed Eldoret HCCC No. 31 of 2004 - later ELC Case No. 141A of 2012 seeking similar prayers which was dismissed on 31st January, 2019. The Respondents also filed Eldoret ELC Case No. 105 of 2020 seeking the same prayers. This court found no merit in the suit and dismissed it on 16th March, 2023 for being an abuse of the court process.
 4. The 1st Applicant deponed that despite all this, the Respondents in an attempt to deprive the Applicants of ownership of their land, have refused to cede possession thereto even after service of the 3 months' eviction notices. The Respondents initially refused to acknowledge service of the Eviction Notices necessitating a second service through the Area Chief, Karuna Sub-location. The Applicants have thus moved to this court seeking eviction orders to safeguard their constitutionally guaranteed right to own property. That the interests of justice tilts in favour of allowing the Application.
 5. The Application was opposed by the Replying Affidavit of Francis Kiplagat Cheruiyot, the 1st Respondent, sworn on 1st August, 2024. He accused the Applicants of concealment of material facts, and deponed that the suits listed by the Applicants were merely dismissed but there is no judgment/decree capable of enforcement. He deponed that the dismissal orders were negative in nature and incapable of execution. He also deponed that they and their families have been in quiet and peaceful occupation of the suit properties for more than 50 years and they are at a loss why the Applicants are keen on stealing a march against them and condemning them unheard. According to the Respondents, no court of competent jurisdiction adjudged the Applicants as owners of the suit properties to warrant the instant application.
 6. The 1st Respondent, on advice from his advocate, averred that the prayers sought can only be anchored on a substantive suit or a positive decree. He deponed that his deceased father was a member of Karuna Farm and purchased Parcel Nos. Karuna/Karuna Block 2 (Karuna)/74 and 177 from other members thereof. That the 2nd Respondent is deceased, but his family has been in possession of Karuna/Karuna Block 2(Karuna)/31 for over 50 years. He added that despite being aware of his death, the Applicants still sued the 2nd Respondent with a view to ambushing his beneficiaries with the eviction orders. He



deponed that the instant application contravenes the mandatory provisions of Order 1 Rule 13(1) & (2) of the Civil Procedure Rules, and added that the Application is untenable.

Submissions:

7. When the application came up for interpartes hearing on 18th September, 2024 Mr. Kigen, Counsel for the Applicant sought leave to file a Further Affidavit in response to the Respondents' Replying Affidavit. I have not however seen any Further Affidavit filed pursuant to the leave so granted. On the same day, the parties were directed to file their submissions to the Application and they complied.

Applicants' Submissions;

8. In the Applicants' submissions dated 7th October, 2024 it was submitted that under Section 152A no person is allowed to occupy another's land unlawfully. Counsel relied on Section 152E and Regulation 65 of [Legal Notice 280 of 2017](#), which allow a land owner to serve not less than 3 months written notice on any person occupying their land without consent. Counsel submitted that the Notices issued to the Respondents were pursuant to the above laws and were served on the Respondents on 8th March, 2024. Counsel asserted that the Notices were also served upon the local administration being the Assistant County Commissioner and the Area Chief, Karuna Location, as well as the OCS, Karuna Police Station to inform them of the eviction process. Counsel submitted that Section 152F entitles the Respondents to apply to this court for reliefs against the eviction notices issued, but the Respondents have not done so.
9. Counsel also submitted that the Applicants had served the Notices and were now seeking that the same be confirmed and an order issued evicting the Respondents from the suit properties. Counsel relied on *Solome Naliaka Wabwile vs Alfred Okumu Musinaka (2022) eKLR* and *Ringera vs Muhindi (Environment and Land Misc. Application E128 of 2021) KEELC 2481 (KLR)*. Counsel argued that the question of legitimacy of the Applicant's title raised by the Respondents is not before this court for determination, and in any event, it was addressed in Eldoret CM Award No. 8 of 2003 and all the other suits filed in this court. That the Application herein only seeks enforcement of the Respondent's proprietary rights over their land which the Respondents are occupying illegally. Further, that the Respondents have given no justification for being on the suit properties, and that they should therefore remove themselves from the land.

Respondents' Submissions;

10. The Respondent's Submissions are dated 4th October, 2024. Counsel reiterated the Respondents' opposition to the Application terming it fatally and incurably defective. Counsel repeated that the 2nd Respondent died on 2nd May, 2024 whereas the instant application was filed on 7th June, 2024. Counsel argued that a suit cannot be instituted against a deceased person thus the present application should be struck out. Counsel relied on ELC No. 71 of 2016 (OS) *Japheth Nzila Muangi vs Hamisi Juma Malee (2022) eKLR*.
11. Counsel further argued that the judgments alluded to by the Applicants ended in negative dismissals and are incapable of execution. That there is thus no claim, pleadings, judgment or decree upon which the application can be anchored. Counsel argued that the Applicants were not declared as owners of the properties and that there was no counterclaim in the previous suits. Counsel accused the Applicants of attempting to steal a match against the Respondents by bringing a counterclaim through the present application, yet they deliberately failed to participate in the previous suits. Counsel added that the dismissal of the previous suits did not automatically confer ownership of the suit properties upon the Applicants and there is no such declaration by a court of competent jurisdiction.



12. It was submitted on behalf of the Respondents that the provisions of Section 152 of the *Land Act* can only be premised upon a positive judgement and that is not the case herein. Counsel urged that all the Respondents were members of Karuna Farm, they own Plot No. 140 thereof, and purchased Parcel Nos. 74 and 77 for value as shown in their annexures. Counsel also argued that the Applicants had not shown how they acquired registration of the suit properties when the same can only be adjudicated through a substantive suit. Counsel, relied on Nakuru ELC Misc. Application No. 17 of 2021, Julius N. Marten vs Caleb Arap Rotich (2021) eKLR.

Analysis and Determination:

13. I have carefully considered the Application, the Supporting Affidavit, the Replying Affidavit, submissions filed and case law cited. The issues for this Court's determination are:-
- i. Whether the Applicants have made a proper case for the confirmation of the eviction notices and issuance of the eviction orders;
 - ii. Who shall bear the costs of this suit?

i. Whether the Applicants have made a proper case for the confirmation of the eviction notices and issuance of the eviction orders

14. By an Award delivered on 29th October, 2002 issued by the Kapseret Land Disputes Tribunal, the Applicants were awarded the suit properties herein. The Award was adopted as an order of the Eldoret CM's Court in Eldoret Chief Magistrates Award No. 8 of 2003, and a decree was extracted in the following terms:-
- a. That the award read and adopted as the order of this Hon. Court.
 - b. That the Claimants Benjamin K. Ruto, Danson C. Kurui and Benedeta Jepkemboi Kiptum are awarded Plot No. Karuna/Karuna Block 2(Karuna)74 measuring Ha 01.721 to be shared equally.
 - c. That claimant James K. Chepkonga is awarded plot No. Karuna/Karuna Block 2 (Karuna) 31 measuring Ha 0.6075.
 - d. That the claimant Simion K. Bii is awarded plot No. Karuna/Karuna Block 2 (Karuna)177 measuring Ha 0.74.
 - e. That all 5 (five) claimants are awarded costs of the case.
15. The Decree was executed and the Applicants are now the registered owners of the properties awarded to them, and hold titles thereto which they annexed to the Motion. The Respondents' allegation that no court of competent jurisdiction adjudged the Applicants as owners of the suit properties to warrant the instant application, is therefore not true. The decree from the Eldoret Chief Magistrate's Court is proof enough that the lands were awarded to the Applicants. The Respondents did not invoke the appeal mechanism available to them under Section 8 of the now repealed Land Disputes Tribunal Act, and the Award not having been set aside or appealed, any consequential orders flowing therefrom still stand and are regular as well as lawful.



16. I reiterate my finding in Eldoret ELC Case 105 of 2020, as well as in hon. Justice Ombwayo's in Eldoret ELC Case No. 141A of 2012, where we both cited the case of Florence Nyaboke Machani vs Mogare Amosi Ombui & 2 (2014) eKLR, in which the Court of Appeal held as follows:-

“It is trite law that a valid judgement of a court unless overturned by an appellate court remains a judgement of court and is enforceable, the issue of jurisdiction notwithstanding. The plaintiff had all avenues to impugn the award as well as the judgement. He did nothing. As sarcastically put by counsel for the defendants in his submissions, the plaintiff chose to sleep on his tights like the Alaskan fox which went into hibernation and forgot that winter was over. In the meantime, the 1st Defendant's rights to the suit premises crystalized. Equity assists the vigilant and not the indolent. The plaintiff has come to court too late in the day and accordingly, the declaratory relief must fail. I doubt that even the remedy of the declaration is available to the plaintiff to impugn a valid court judgement and decree.”

17. The Respondents, however, have not vacated the suit lands and chose to instead engaging in a long drawn legal battle against the Applicants in court. The history of litigation over the suit property was well captured by this very court in Cheruiyot (Suing as the legal administrator of the Estate of Joseph Kiruiyot Sitienei vs Ruto & 2 others (Environment & Land Case 105 of 2020) [2023] KEELC 17205 (KLR) (16 March 2023) (Judgment) as follows:-

- “2. The Plaintiff is son of Joseph Kiruiyot Sitienei (Deceased) who died on August 19, 2020. The deceased was a shareholder of Karuna Farm Limited (The Company). The Company purchased a parcel of land known as LR 8483/2 measuring 793 acres. the land was later subdivided and given to the shareholders.
3. During the sharing out, some shareholders missed out. This was because those who were directors of the company including the Deceased allocated themselves more plots than had been agreed.
4. The Defendants including two others moved to Uasin Gishu Land Disputes Tribunal, sitting at Kapsaret where they filed a claim against the Deceased and 4 others. At the conclusion of the hearing, the panel of elders found in favour of the claimants. The Defendants who were among the claimants were awarded LR No Karuna/Karuna Block 2 (Karuna) 74 (Suit property) measuring 1.721 hectares to be shared equally.
5. The suit property had already been registered in the name of the Deceased on August 24, 1993. The Defendants moved to the Chief magistrate's court at Eldoret where they had the award of the Tribunal adopted as judgement of the court. They then applied for execution of the decree, had the suit property subdivided and registered in their names.
6. The Deceased and 4 others moved to the High Court where they filed miscellaneous application No. 140 of 2003 where they sought leave of the court to bring Judicial Review proceedings with a view to quashing the Tribunal award. The leave was granted but the Deceased and 4 others who were the Ex-parte Applicants did not file the main motion within 21 days as required. The deceased and 2 others instead moved to the High Court at



Eldoret where they filed HCCC No 31 of 2004 seeking to nullify the Tribunal verdict.

7. The High court case was transferred to the Environment and Land Court where it became ELC No 141A of 2012. This case was fully heard and the same was dismissed in a judgement delivered on January 31, 2019. The Deceased and 4 others then caused Miscellaneous Application No. 140 of 2003 to be transferred to the Environment and Land Court where it became ELC Misc. Application No. 9 of 2019. An application for extension of time was then made in this file in which the Deceased and 4 others wanted the leave that had been granted to them in 2003 extended by 7 days. The application was dismissed vide a ruling delivered on October 21, 2020. It is after the dismissal of the application and after the demise of the Deceased that the Plaintiff herein filed the present suit.”
18. The present suit mentioned in the above judgement was Environment & Land Case 105 of 2020, which was dismissed after hearing the Plaintiffs and their witnesses vide judgment delivered on 16th March 2023. There now being no other suit pending in court over the suit properties, the Applicants want to proceed with evicting the Respondents from the suit property which they claim the Respondents are occupying illegally. Section 152A of the *Land Act* 2012 (the Act) prohibits unlawful occupation of land be it private, public or community land. Where private land is unlawfully occupied, under Section 152B the owner is allowed to evict the unlawful occupant in accordance with the provisions of the Act.
19. The first step in eviction of an illegal occupier of private land is the issuance of a written eviction notice pursuant to Section 152E, which provides that:-
 - “ 152E. Eviction Notice to unlawful occupiers of private land.
 - (1) If, with respect to private land the owner or the person in charge is of the opinion that a person is in occupation of his or her land without consent, the owner or the person in charge may serve on that person a notice, of not less than three months before the date of the intended eviction.
 - (2) The notice under subsection (1) shall—
 - (a) be in writing and in a national and official language;
 - (b) in the case of a large group of persons, be published in at least two daily newspapers of nationwide circulation and be displayed in not less than five strategic locations within the occupied land;
 - (c) specify any terms and conditions as to the removal of buildings, the reaping of growing crops and any other matters as the case may require; and
 - (d) be served on the deputy county commissioner in charge of the area as well as the officer commanding the police division of the area.”



20. The Applicants herein served the relevant eviction notices on the Respondents. An Affidavit of Service sworn on 27th May, 2024 by one Pella Amugune Tsisaga, an authorised Court Process Server, has been presented to this court. By that Affidavit, when the Process Server went to serve the 3 Respondents on 8th March, 2024 they became hostile. The Process Server was thus forced to visit the office of the Area Chief and left the Respondents' copies of the Eviction Notices there. On the same day, the process server served the Area Chief, Sosyo Location and the Assistant County Commissioner at Moiben Shopping Centre.
21. The 1st Respondent deponed that the 2nd Respondent is Deceased and the Applicants only seek to ambush his beneficiaries with the eviction orders. First of all, Counsel for the Respondent submitted that the 2nd Respondent died on 2nd May, 2024 while from the burial permit annexed by the Respondent, the date of death is indicated as 25th May, 2024. Another misconception on the part of the Respondents is that the instant Motion was filed on 7th June, 2024. To be clear, the Notice of Motion is dated 7th June, 2024 but from the CTS time stamp at the left hand side of the document, the Application was filed on 11th June, 2024.
22. Be that as it may, I do not agree with the allegation of ambush as I note that according to the Affidavit of Service sworn on 27th May, 2024 the Respondents were served with the Eviction Notices on 8th March, 2024 way before the 2nd Respondent's passing on 25th May, 2024. The 2nd Respondent knew of the intended eviction even before his passing, so I presume did his beneficiaries. In any event, the Notice of Appointment of Advocates is filed on behalf of all the Respondents and not just the 1st or 3rd Respondent. The 1st Respondent also deponed at paragraph 2 of his Replying Affidavit that he had the authority of both the 2nd and 3rd Defendants to plead, the 1st respondent would have to come clean on where that authority came from, unless he now wishes to inform this court that he perjured himself in the said averment.
23. I am satisfied that the Respondents were served with the eviction notices in accordance with the terms of Section 152E of the Act. Upon receipt of the eviction notices, the Respondents had recourse under Section 152F of the court to move the court for reliefs against the notices served. Section 152F provides that:-
- 152F. Application to Court for relief.
- (1) Any person or persons served with a notice in terms of sections 152C, 152D and 152E may apply to Court for relief against the notice.
 - (2) The Court, after considering the matters set out in sections 152C, 152D and 152E may-
 - (a) confirm the notice and order the person to vacate;
 - (b) cancel, vary, alter or make additions to the notice on such terms as it deems equitable and just;
 - (c) suspend the operation of the notice for any period which the court shall determine; or
 - (d) order for compensation.
24. Having been served on 8th March, 2024 the Respondents ought to have vacated the land by latest 7th June, 2024. The Respondents however have not vacated the suit properties and neither did they move the court for relief as provided for under Section 152F of the Act. The Applicants then moved the



court through this instant Motion to confirm the Notices and to obtain eviction orders thereon. It must be noted however, that the Applicants did not even have to come to this court to effect or confirm the eviction notices issued. Section 152F is intended for the protection of the Respondents not the owner of the land. It cannot therefore be claimed that the instant application needed to be grounded on a substantive suit. As to whether the Application herein is untenable as alleged by the Respondents, in *Ringera vs Muhindi* (Environment and Land Miscellaneous Application E128 of 2021) [2022] KEELC 2481 (KLR) (7 July 2022) (Judgment), the court held that:-

“I am of the view that since Section 152F of the Act empowers the court grant relief to the person served with an eviction notice and also to confirm the notice and order eviction, it is not inconsistent with the Act for the person issuing the notice to apply to court for confirmation of the notice and an eviction order where the person served with the notice has failed to seek relief from the court.”

25. That aside, I agree with the Respondents that the dismissals of their previous suits did not automatically confer ownership of the suit properties upon the Applicants, and that the dismissal of the previous suits was indeed a negative order incapable of execution. It must however be noted that those orders were only negative with respect to the Respondents. This is because, the dismissal of those suits meant that the award as adopted by the Chief Magistrates Court remained standing and unchallenged even in the face of adversity. Also, the argument by the Respondents’ Advocate that the Applicants were not declared as owners of the properties is not true. I must reiterate my earlier finding that the ownership of the land was already determined by the Kapsaret Land Disputes Tribunal, which decision as adopted by the Eldoret CM’s Court as a positive decree, and which judgement and decree have not been appealed, varied or set aside by any court.
26. It is evident that Counsel for the Respondents seems to be operating from the assumption that in the instant Application, the court will be determining the ownership of the suit lands. That is a grave misconception, the instant suit is not meant to dig into or establish an ownership dispute. That is not the gravamen of the present Motion as brought by the Applicants herein. Therefore, Counsel’s submissions that there was no counterclaim in the previous suits, and the accusation that the Applicants are attempting to steal a march against the Respondents by bringing a counterclaim vide this application yet they deliberately failed to participate in the previous suits, is untenable.
27. It is in fact very telling that even with little to no participation by the Applicants in the numerous suits filed in this court and in the High Court, the Respondents still could not dislodge the determination of the Land Disputes Tribunal. Even without filing a counterclaim, the Applicants rights as acquired from the judgment of the Kapsaret Land Disputes Tribunal, were not defeated.
28. Notably also, the Respondents had very many opportunities to challenge the jurisdiction of the Kapsaret Land Disputes Tribunal but they did not. Since they squandered those opportunities, they cannot now be heard to question that authority of the said Tribunal. It follows therefore, as stated earlier in this ruling, that there is in existence a declaration by a court of competent jurisdiction that vested the ownership of the suit properties in the Applicants herein.
29. I find therefore that a case has been made for confirming the eviction notices dated 9th February, 2024 duly served upon the Respondents on 8th March, 2024. The period noted in the eviction notices lapsed in June, 2024 and the Respondents have had more than enough time during the pendency of this suit to willingly vacate the suit lands, but they neglected to do so. For this reason, this court will give the Respondents Fourteen (14) more days within which to vacate and handover vacant possession of the parcels of land known as Karuna/Karuna Block 2(Karuna) 74, Karuna/Karuna Block 2(Karuna) 32 and Karuna/Karuna Block 2(Karuna) 177 to the Applicants. In default, warrants of eviction shall issue



forthwith, and without further reference to this court, for the forceful eviction of the Respondents from the suit property under the supervision of the OCS, Karuna Police Station.

30. Should the Respondents refuse to vacate the suit properties willingly and it becomes necessary for the Applicants to resort to forceful eviction, the said process shall comply strictly with the mandatory provisions of Section 152G of the Act, which provides that:-

152G. Mandatory procedures during eviction.

- (1) Notwithstanding any provisions to the contrary in this Act or in any other written law, all evictions shall be carried out in strict accordance with the following procedures—
 - (a) be preceded by the proper identification of those taking part in the eviction or demolitions;
 - (b) be preceded by the presentation of the formal authorizations for the action;
 - (c) where groups of people are involved, government officials or their representatives to be present during an eviction;
 - (d) be carried out in a manner that respects the dignity, right to life and security of those affected;
 - (e) include special measures to ensure effective protection to groups and people who are vulnerable such as women, children, the elderly, and persons with disabilities;
 - (f) include special measures to ensure that there is no arbitrary deprivation of property or possessions as a result of the eviction;
 - (g) include mechanisms to protect property and possessions left behind involuntarily from destruction;
 - (h) respect the principles of necessity and proportionality during the use of force; and
 - (i) give the affected persons the first priority to demolish and salvage their property.
- (2) The Cabinet Secretary shall prescribe regulations to give effect to this section.”

ii. Who shall bear the costs of this suit?

31. On the issue of costs, this court will be guided by the provisions of section 27 of the *Civil Procedure Act*, where costs are granted at the discretion of the court. It is well known that costs follow the event and they are ordinarily granted to the successful litigant, unless there are circumstances that would allow the court to depart from this general rule. In *Morgan Air Cargo Limited vs Everest Enterprises Limited* (2014) eKLR, where the court noted that:-

“The exercise of the discretion, however, depends on the circumstances of each case. Therefore, the law in designing the legal phrase that “Costs follow the event” was driven by the fact that there could be no “one-size-fit- all” situation on the matter. That is why section 27(1) of the *Civil Procedure Act* is couched the way it appears in the statute; and even all literally works and judicial decisions on costs have recognized this fact and were guided by



and decided on the facts of the case respectively. Needless to state, circumstances differ from case to case.”

32. This suit would not have been necessary if the Respondents had abided by the judgment of the Land Disputes Tribunal in the first place. Upon service of the eviction notices, the Respondents still refused to comply and vacate the land, forcing the Applicants to approach the court for the orders sought herein. The Applicants have emerged successful in the suit, having convinced the court that their motion is merited. Going by the general rule on costs, they are thus entitled to the costs of the suit. This court finds no circumstances exist in the instant suit that would prompt the court herein to decline to grant costs to the Applicants, who are the successful litigants.
33. The upshot is that the Applicant’s Notice of Motion dated 7th June, 2024 succeeds. The following orders issue:-
- a. The Respondents are hereby ordered to remove themselves and/or any other persons that they may have placed on Land Parcels Karuna/Karuna Block 2(Karuna) 74, Karuna/Karuna Block 2(Karuna) 32 and Karuna/Karuna Block 2(Karuna) 177 forthwith and in default the Respondents and/or such persons shall be forcibly evicted and vacant possession be given to the Applicants.
 - b. That GEORGE KIMETTO T/A DESIRE RECOVERY AUCTIONEERS do effect and execute the above eviction orders in compliance with the mandatory provision of Section 152G of the *Land Act*.
 - c. That the OCS, Karuna Police Station do offer security in ensuring compliance prayers (a) and (b) above.
 - d. The Respondents shall bear the costs of this application.

It is so ordered.

DATED, SIGNED AND DELIVERED AT ELDORET ON THIS 16TH DAY OF DECEMBER, 2024.

E. OBAGA

JUDGE

In the virtual presence of;

Mr. Koech for Mr. Kibii for Respondent.

Court Assistant –Laban

E. O. OBAGA

JUDGE

16th DECEMBER, 2024

