

KENYA / JUDGMENT

Ololoisa v Tongoyo [2025] KEELC 5314 (KLR)

[2025] KEELC 5314 (KLR)

COURT

Environment and Land Court

BEFORE

MN Kullow

CASE / FILE NUMBER

Enviromental and Land Originating Summons 27 of 2020

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Ololoisa v Tongoyo (Enviromental and Land Originating Summons 27 of 2020) [2025] KEELC 5314 (KLR) (14 July 2025) (Ruling)

Neutral citation:

[2025] KEELC 5314 (KLR)

Republic of Kenya

In the Environment and Land Court at Narok

Enviromental and Land Originating Summons 27 of 2020

MN Kullow, J

July 14, 2025

IN THE MATTER OF LIMITATION OF ACTIONS ACT CAP 22 AND IN THE MATTER OF A CLAIM
FOR ADVERSE POSSESSION PURSUANT TO SECTION 38 OF LIMITATION OF ACTION ACT

Between

Lekuta Ololoisa

Plaintiff

and

Parsaloi ole Tongoyo

Defendant

Ruling

1. The Defendant/Applicant had filed a Preliminary objection dated 6th November 2020 stating that the suit herein offends the provision of Civil Procedure Act in so far as there exist another matter being Narok Suit No. 6 of 2020 pending before the Chief Magistrate's Court between the Defendant and the Plaintiff herein.
2. It is the Defendant's contention that this matter is thus sub-judice
3. I have thus considered the Preliminary Objection raised and the submissions filed by the Defendant's counsel, I do find that there exists another suit filed before the Magistrate Court in Narok, and therefore in present suit before is thus sub-judice
4. However, having perused both files I do find that the substance of the suit is same and relates to the same subject matter and consequently, I will allow the Preliminary Objection dated the 6th November 2020 and find that this matter is sub-judice. It is so ordered!

DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI ON 14TH DAY OF JULY, 2025.

MOHAMMED N. KULLOWJUDGERuling delivered in the presence of: -..... for the Plaintiff..... for the DefendantsPhilomena W. Court Assistant

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Prepared on 14 October 2026 · Esheria