



Cheruiyot (Secretary on Behalf of Litein Kipagenge Farmers Co-operative Society Ltd) v Kosgei & 5 others (Tribunal Case E004 of 2023) [2023] KEBPRT 1139 (KLR) (4 December 2023) (Ruling)

Neutral citation: [2023] KEBPRT 1139 (KLR)

**REPUBLIC OF KENYA
IN THE BUSINESS PREMISES RENT TRIBUNAL
TRIBUNAL CASE E004 OF 2023
CN MUGAMBI, CHAIR
DECEMBER 4, 2023**

BETWEEN

**JOSEPH CHERUIYOT (SECRETARY ON BEHALF OF LITEIN KIPAGENG
FARMERS CO-OPERATIVE SOCIETY LTD) LANDLORD**

AND

**ARON KOSGEI 1ST TENANT
DICKSON LANGAT 2ND TENANT
NELSON MITEI CHIRCHIR 3RD TENANT
JOSEPH KORIR 4TH TENANT
MS. JANET MUTAI 5TH TENANT
MS. LILIAN CHERUIYOT 6TH TENANT**

RULING

1. The Landlord's application dated 10.1.2023 seeks orders that the tenants/respondents be ordered to vacate the suit premises at plot No. 045 Litein Kericho for failure to file references to oppose the Landlord's notice dated 22.9.2022. The Applicant has also sought for orders to break into the tenant's premises with a view to removing the properties therein and levying distress for rent.
2. The landlord's case against the 6th tenant/respondent was withdrawn on 5.10.2023 and this ruling is therefore in respect to the 1st, 2nd, 3rd, 4th and 5th respondents.
3. On 17.3.2023, all the Tenants were present in court. The court ordered the tenants to be served with the application and to respond to the same within fourteen (14) days of service.
4. None of the parties have filed any responses to the application by the Landlord and it therefore remains unopposed.



5. Consequently, the application by the landlord dated 10.1.2023 is allowed as prayed save that there shall be no orders against the 6th tenant/respondent.

RULING DATED, SIGNED AND DELIVERED VIRTUALLY THIS 4TH DAY OF DECEMBER 2023

HON. CYPRIAN N. MUGAMBI

CHAIRPERSON

12.2023

DELIVERED IN THE ABSENCE OF THE PARTIES

