



Tunza Co-operative Society Limited v Ogolla; Kola (Interested Party) (Environment & Land Case 62 of 2014) [2023] KEELC 17577 (KLR) (20 April 2023) (Ruling)

Neutral citation: [2023] KEELC 17577 (KLR)

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KISUMU
ENVIRONMENT & LAND CASE 62 OF 2014
E ASATI, J
APRIL 20, 2023
IN THE MATTER OF: THE REGISTERED LAND ACT CAP 300(NOW
REPEALED & LAND REGISTRATION ACT- 2012
IN THE MATTER OF: AN APPLICATION BY DANIEL OTIENO
OGOLLA
FOR REMOVAL OF RESTRICTION
AND
IN THE MATTER OF KISUMU/KANYAKWAR 'B'/385
BETWEEN
TUNZA CO-OPERATIVE SOCIETY LIMITED APPLICANT
AND
DANIEL OTIENO OGOLLA RESPONDENT
AND
SYLVANO OTIENO KOLA INTERESTED PARTY

RULING

1. The Notice of motion dated 30th September 2014 was argued before this court on 23rd February 2023 and ruling reserved for 20th April 2023. As I perused the court record in preparation for writing the ruling, I realized that the application is spent. The same was the subject of the ruling of Hon Justice S. M. Kibunja J delivered on 5th April 2017 in which the court set aside the consent order dated 18th March 2014 and issued on 25th March 2014 and ordered that this matter and Kisumu H. C. Land Case No. 298 of 2014 be fixed for mention on the same date for further directions on how they will be heard. The court record further shows that subsequently Daniel Otieno Ogolla was arrested and



charged in Kisumu CMC CR. Case No.189 OF 2014 with the offence of obtaining land registration by false pretences contrary to section 320 of the penal code and was acquitted on 28/3/2018. There is also in the file a subsequent ruling by Justice Olao J. dated 30/9/2020.

2. In the premises, the intended ruling herein has been overtaken by events. I give directions that in compliance with the orders in the ruling dated 5th April 2017, let this matter be placed before Hon. Justice S. Okongó J today for further directions and for taking of a Mention date with the related file No. 298 of 2014 which is a court 1 matter.

DATED AT KISUMU THIS 20TH DAY OF APRIL 2023 AND READ OUT VIRTUALLY.

E. ASATI

JUDGE

In the presence of:

Anyumba Advocate holding brief for Asuna for the Interest Party

Respondent present in person

Kobimbo for the Land Registrar.

Maureen – Court Assistant

