



REPUBLIC OF KENYA



Amala (Suing as a personal representative of the Estate of Joseph Amala Okuthe - Deceased) v Ochar & 4 others (Land Case 32 of 2021) [2023] KEELC 17982 (KLR) (30 May 2023) (Ruling)

Neutral citation: [2023] KEELC 17982 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
LAND CASE 32 OF 2021
GMA ONGONDO, J
MAY 30, 2023
(FORMERLY MIGORI ELC LAND CASE NO 95 OF 2017)**

BETWEEN

**ONYANGO MICHAEL AMALA PLAINTIFF
SUING AS A PERSONAL REPRESENTATIVE OF THE ESTATE OF JOSEPH
AMALA OKUTHE - DECEASED**

AND

**PETER OCHAR 1ST RESPONDENT
SABASTIAN NGONGA 2ND RESPONDENT
LAND SURVEYOR, HOMABAY COUNTY 3RD RESPONDENT
LAND REGISTRAR, HOMABAY COUNTY 4TH RESPONDENT
ATTORNEY GENERAL 5TH RESPONDENT**

RULING

1. Upon counsel for the 1st and 2nd defendant/respondents and the plaintiff in person and in the absence of the 3rd, 4th and 5th defendants/respondents duly served as per affidavit of service sworn and filed on May 28, 2023, it is hereby agreed that the Notice of Motion be and is hereby determined thus:
 - a. The parties to maintain the prevailing status quo herein. In particular, none of the parties herein shall interfere with road of access touching on LR No Kabuoch/K/K Karita/548 pending the hearing and determination of this suit.
 - b. Parties are applauded for reaching the orders made herein in regard to the Notice of Motion the line with sections 13 (7) (a) of the *Environment and Land Act* 2015 (2017) and practice direction No 32 of the Environment and Land Act, 2014.



c. Hearing of the suit on July 25, 2023.

DELIVERED, DATED AND SIGNED AT HOMABAY THIS 30TH DAY OF MAY 2023.

G.M.A ONG'ONDO

JUDGE

PRESENT:

1. Ms Oriche learned counsel for the 1st and 2nd Defendants.
2. Plaintiff
3. 1st and 2nd defendants.
4. Mutiva and Okello, Court Assistants.

