



**Akelo & 3 others v Oranga (Environment & Land Case
E008 of 2023) [2023] KEELC 17911 (KLR) (12 June 2023) (Ruling)**

Neutral citation: [2023] KEELC 17911 (KLR)

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY

ENVIRONMENT & LAND CASE E008 OF 2023

GMA ONGONDO, J

JUNE 12, 2023

IN THE MATTER OF THE LIMITATION OF ACTIONS ACT

AND

IN THE MATTER OF LAND PARCEL REFERENCE, NO CENTRAL KASIPUL/KAMUMA/59

BETWEEN

FELGONA AKELO 1ST APPLICANT
JOSEPH OPAP O'CHIENG 2ND APPLICANT
JOHN ARUNDA O'CHIENG 3RD APPLICANT
JOEL OINDO O'CHIENG 4TH APPLICANT

AND

EUNICE OUMA ORANGA DEFENDANT

RULING

1. In an application by way of notice of Motion dated April 10, 2023, the applicants through Wanza Kivindu and Company Advocates, have sought, *inter alia*;

“In alternative this Honourable court be pleased to order the *status quo* prevailing as at April 1, 2023 regarding possession, user, occupation and registration of the parcel of land known as Central Kasipul/Kamuma/59 by the Applicants pending the hearing and determination of this application inter-partes or until further Court orders”.

2. The respondent through Muma Nyagaka and Company Advocates opposed the application by way of her replying affidavit sworn on May 29, 2023.



3. Wanza Kivindu and Muma learned counsel for applicants and respondent respectively have agreed to ampromise the Notice of Motion on terms of status quo over the suit land, Central Kasipul/Kamuma 159.
4. In the foregone and being guided by the case of *Ogada -versus- Mollin* (2009) eKLR 620, the application is determined thus:
 - a. The applicants and the respondents to maintain the prevailing *status quo* over the suit. In particular, they shall occupy their respective portions of the suit land pending the hearing and determination of this suit.
 - b. Costs of the application in the cause.

DELIVERED, DATED AND SIGNED AT HOMA-BAY THIS 12TH DAY OF JUNE 2023.

G.M.A ONG'ONDO

JUDGE

PRESENT

1. Ms. Kiundu learned counsel for the applicants
2. Mr. Muma learned counsel for the respondent
3. Court Assistant, Okello.

