



Abok (Suing as the Legal Representative of Joseph Ochieng Odote) v Nyakinda (Environment & Land Case E001 of 2023) [2023] KEELC 17828 (KLR) (8 June 2023) (Ruling)

Neutral citation: [2023] KEELC 17828 (KLR)

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
ENVIRONMENT & LAND CASE E001 OF 2023
GMA ONGONDO, J
JUNE 8, 2023
IN THE MATTER OF SECTION 38 OF THE LIMITATION OF ACTIONS ACT
AND
IN THE MATTER OF LAND ACT (NO. 6 OF 2012)
AND
IN THE MATTER OF THE REGISTERED LAND ACT
AND
IN THE MATTER OF TITLE NO. L.R NO. KANYALUO/KOBILA/KOMWOYO/842
BETWEEN
MONICA ADOYO ABOK (SUING AS THE LEGAL REPRESENTATIVE OF
JOSEPH OCHIENG ODOTE) APPLICANT
AND
OGETA NYAKINDA ALIAS CHARLES OGETA NYAKINDA RESPONDENT

RULING

1. This ruling in respect of the applicant's application dated 19th January 2023 for an interim injunction against the respondent in respect of the suit land, reference No. Kanyaluo/Kobila/Komwoyo/842 pending the hearing and determination of this suit.
2. Learned counsel L.K Obwanda for the applicant has implored this court to determine the application in terms of status quo order over the suit land pending the hearing and determination of this suit. That the same is meant to preserve the same suit land.
3. The respondent in person has no objection to the status quo orders sought herein.



4. This court is guided by section 13(7) (a) of the Environment and Land Act, 2015(2011) on the mandate of this court to grant interim preservation orders; see also *Ogada v Mollin* [2009] KLR 620.
5. Accordingly, the application is hereby determined to the effect that the parties to maintain the obtaining status quo over the suit land pending the hearing and determination of this suit. In particular, the parties shall not sell, charge, transfer, subdivide and or erect permanent buildings on the suit land or interfere with the substratum of the same pending the hearing and determination of this suit.
6. Costs of the application in the cause.

DELIVERED AND SIGNED AT HOMABAY THIS 8TH DAY OF JUNE 2023.

G.M.A ONG'ONDO

JUDGE

Present

1. L.K Obwanda for the applicant.
2. Respondent in person.
3. Court Assistant, Okello.

