



REPUBLIC OF KENYA



KENYA LAW
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Matoke & another v Matoke & 2 others (Environment & Land Case E007 of 2025) [2025] KEELC 3162 (KLR) (3 April 2025) (Ruling)

Neutral citation: [2025] KEELC 3162 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KISII
ENVIRONMENT & LAND CASE E007 OF 2025**

M SILA, J

APRIL 3, 2025

BETWEEN

KAUNDA MATOKE 1ST PLAINTIFF

KEPHAS MATOKE 2ND PLAINTIFF

AND

DANIEL OGUTA MATOKE 1ST DEFENDANT

LAND REGISTRAR, KISII 2ND DEFENDANT

THE ATTORNEY GENERAL 3RD DEFENDANT

RULING

1. The application before me is that dated 17 February 2025 filed by the plaintiffs contemporaneously with the plaint. The substantive prayers sought is for injunction to restrain the 1st defendant/respondent from dealing with the land parcel Bassi/Bondonya/794 (the suit land) and for an order of inhibition to prohibit the registration of any disposition in the register of the suit land.
2. Despite being served, the 1st respondent is yet to enter appearance and he has not filed anything to oppose the motion.
3. I have gone through the plaint, the application and the supporting affidavit. The plaintiffs file this suit as legal representative of Sarah Kerubo Matoke (deceased) who died in 2007. They aver that the deceased was registered as the proprietor of the suit land. They contend that the 1st respondent caused himself to be fraudulently registered as proprietor of the suit land. In the plaint, they inter alia seek orders for a declaration that the transfer to the 1st defendant is null and void and they seek an order of rectification of the register so that it reflects the name of the deceased as proprietor.
4. As I have stated the application is unopposed. At this point in time, I cannot tell whether the allegations of the applicants is true or not. That will need to await the hearing of the case. It is however necessary



that the subject matter of the case be preserved. For that reason, I am prepared to allow the application in so far as it seeks to preserve the subject matter of the litigation pending hearing and determination of the case.

5. I therefore order as follows :

1. That there is hereby issued an order of inhibition prohibiting the registration of any disposition in the register of the land parcel Bassi/Bondonya/794.
2. That the 1st defendant/respondent is hereby barred by an order of injunction from selling, charging, leasing, or in any other way entering into any dealings in regard to the land parcel Bassi/Bondonya/794.
3. That the status quo prevailing with regard to possession and occupation of the land parcel Bassi/Bondonya/794 be maintained until the conclusion of the case.
4. That the costs of this application will be costs in the cause.

6. It is so ordered.

DATED AND DELIVERED THIS 3RD DAY OF APRIL 2025

JUSTICE MUNYAO SILA

JUDGE, ENVIRONMENT AND LAND COURT

AT KISII

Delivered in the presence of :

Ms. Kivindu for the plaintiffs/applicants

Ms. Osebe for the 2nd & 3rd defendants/respondents

N/A for the 1st defendant/respondent

Court Assistant – Michael Oyuko

