



**Oloo v Ojwang (Environment and Land Appeal E005 of 2024)
[2024] KEELC 14212 (KLR) (3 July 2024) (Ruling)**

Neutral citation: [2024] KEELC 14212 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MIGORI
ENVIRONMENT AND LAND APPEAL E005 OF 2024**

GMA ONGONDO, J

JULY 3, 2024

BETWEEN

MAURICE OUMA OLOO APPELLANT

AND

ROSE OKEYO OJWANG RESPONDENT

RULING

1. By a Notice of Motion application dated 25th March 2024, the plaintiff/applicant, Maurice Ouma Oloo through Tom Mboya and Company Advocates is seeking, inter alia, leave be granted to the firm of Tom Mboya and Company Advocates to enter on record for the plaintiff/applicant instead of Ogwe and Associates Advocates and status quo prevailing over the suit land reference number Kamagambo/Kanyajuok/454 be maintained by the parties pending the hearing and determination of this appeal.
2. The respondent represented by G.S Okoth and Company Advocates and opposed the application by her replying affidavit sworn on 15th June 2024. She averred in part that there be an inhibition of the suit land pending the hearing and determination of this appeal.
3. The respondent was duly served for today's mention vide an affidavit of service sworn on 24th June 2024. The respondent and counsel are absent without any reason.
4. Mr. Sigei instructed by Tom Mboya learned counsel for the plaintiff/applicant has urged the court to grant leave and status quo orders sought in the application.
5. This court is guided by Articles 48, 50 (1) and 159 (2) (b) of *the Constitution* of Kenya 2010, sections 3 and 13 (7) (a) of the *Environment and Land Court Act* 2015 (2011) and the Court of Appeal decision in the case of Ogada-vs-Mollin (2009) KLR 620.
6. In the premises, I find it is common ground that interim preservation orders would be necessary herein. The application merited.



7. Thus, the application is hereby allowed in terms of orders 2 and 4 sought therein as stated in paragraph 1 hereinabove. In particular, the parties shall not subdivide, transfer, sell, develop or in any other manner dispose of the suit land pending the outcome of this appeal.
8. The appeal is set for mention on 25th September 2024.
9. The respondent be served accordingly.
10. It is so ordered.

DATED AND DELIVERED AT HOMA BAY THIS 3RD DAY OF JULY 2024

G. M. A ONGONDO

JUDGE

Present;

B.S ingei instructed by Tom Mboya learned counsel for the appellant/applicant

T. Luanga court assistant

