



REPUBLIC OF KENYA



**Dache v Odero (Environment & Land Case E003 of 2023)  
[2023] KEELC 16145 (KLR) (6 March 2023) (Ruling)**

Neutral citation: [2023] KEELC 16145 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY  
ENVIRONMENT & LAND CASE E003 OF 2023  
GMA ONGONDO, J  
MARCH 6, 2023**

**BETWEEN**

**PETER OWUOR DACHE ..... PLAINTIFF**

**AND**

**AKIRI AJUNGU ODERO ALIAS ODERO AJUNGU ..... DEFENDANT**

**RULING**

1. By a Notice of Motion application dated January 31, 2023 and lodged in court on February 2, 2023, the applicant through LK Obwanda and Company Advocates is seeking the following orders:
  - a. Spent
  - b. The interim orders of injunction do issue restraining the Defendant/ Respondent himself, through his agents, assigns or anybody else deriving authority from Defendant/Respondent from entering into, disposing of, remaining in possession, and/or in any other way dealing with the suit properties being land parcel numbers Kabuoch/kachieng /394 pending the hearing and determination of this application inter-partes.
  - c. That interim orders of injunction do issue restraining the Defendant / Respondent by himself, through his agents, assigns or anybody else deriving from the Defendant/Respondent from entering into, disposing of, remaining in possession and/or in any other way dealing with the suit property, being land parcel number Kabuoch/kachieng/394, pending the hearing and determination of the main suit.
  - d. Costs.



2. The respondent, has not replied to the application. He has no objection to the granting of orders sought in the application. That they can dismiss with a view to resolving the matter herein.
3. LK Obwanda, learned counsel for the applicant has informed the court that discussion ongoing and urged the court to grant order number 3 sought in the application in the circumstances.
4. Having heard counsel for the applicant and the respondent in person, I am guided by in section 13 (7)(a) of the *Environment and Land Court Act*, 2015(2011) and the decision in *Jan Bonde Nielsen v Nguruman Limited* (2014) eKLR.
5. Clearly, the application is firm, and merited.
6. Accordingly, this application is hereby allowed in terms of interim orders of injunction as stated in paragraph 1 (c) hereinabove.
7. It is so ordered.

**DELIVERED, DATED AND SIGNED THIS 6<sup>TH</sup> DAY OF MARCH 2023.**

**G.M.A ONG'ONDO**

**JUDGE**

