



Okul & another (Suing as the Legal Administrator of the Estate of Barack Deya Okul - Deceased) v Wakaya (Sued as the Legal Administrator of the Estate of) Zakayo Wakaya Got - Deceased) & 3 others (Environment & Land Case 26 of 2021) [2023] KEELC 16105 (KLR) (13 March 2023) (Judgment)

Neutral citation: [2023] KEELC 16105 (KLR)

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
ENVIRONMENT & LAND CASE 26 OF 2021
GMA ONGONDO, J
MARCH 13, 2023
IN THE MATTER OF A CLAIM FOR ADVERSE POSSESSION
PURSUANT TO SECTION 38 OF THE LIMITATIONS OF ACTIONS ACT

BETWEEN

EDWARD O. OKUL 1ST PLAINTIFF
TOM MBOYA OKUL 2ND PLAINTIFF
SUING AS THE LEGAL ADMINISTRATOR OF THE ESTATE OF BARACK
DEYA OKUL - DECEASED

AND

CHARLES OLUOCH WAKAYA (SUED AS THE LEGAL ADMINISTRATOR OF
THE ESTATE OF) ZAKAYO WAKAYA GOT - DECEASED) 1ST DEFENDANT
JULIUS OTIENO AKICHO 2ND DEFENDANT
DHARMESH KUMAR KANUBHAI PATEL 3RD DEFENDANT
JUMA DANDI OKELLO 4TH DEFENDANT

JUDGMENT

1. This suit was commenced by way of an originating summons dated February 24, 2016 and lodged in court on March 2, 2016 where the plaintiffs are claiming to have acquired title over one acre (0.4 Ha) out of Land reference number Central Karachuonyo/Konyango/641 (now subdivided and comprising of Land reference number Central Karachuonyo/Konyango/2986, among others by way of adverse possession.



2. By consent of Mr. R. Ogwe instructed by Mr. Oronga, learned counsel for the plaintiff and Mr. Odhiambo Kanyangi, learned counsel for the 3rd and 4th defendants and instructed by Mr. Bana, Learned counsel for the 1st and 2nd defendants, this matter is hereby marked as fully settled on the following terms:
 - a. That the 4th defendant, Juma Daudi Okello to transfer his land reference number Central Karachuyol/Konyango/2986 measuring approximately zero decimal zero six hectares (0.06 Ha) in area to the plaintiffs. Edward O. Okul and Tom Mboya Okul forthwith.
 - b. Each party to bear their own costs of this suit.
3. The parties are applauded for having resolved this dispute amicably in line with article 159 (2) (b) and (c) of the Constitution of Kenya, 2010.
4. It is so ordered.

DELIVERED, DATED AND SIGNED THIS 13TH DAY OF MARCH 2023

G.M.A ONG'ONDO

JUDGE

