



**Ondenge (Suing as the Legal Representative of the Estate of Joseph Asewe Odede) v Omolo (As the Legal Representative of the Estate of Valentine Omollo Ongeso) & 2 others (Environment & Land Case 2 of 2023) [2023] KEELC 17817 (KLR) (8 June 2023) (Ruling)**

Neutral citation: [2023] KEELC 17817 (KLR)

**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY**  
**ENVIRONMENT & LAND CASE 2 OF 2023**  
**GMA ONGONDO, J**  
**JUNE 8, 2023**

**BETWEEN**

**KENNEDY ONDENG (SUING AS THE LEGAL REPRESENTATIVE OF THE ESTATE OF JOSEPH ASEWE ODEDE) ..... PLAINTIFF**

**AND**

**DAVID OMINO OMOLO (AS THE LEGAL REPRESENTATIVE OF THE ESTATE OF VALENTINE OMOLLO ONGESO) ..... 1<sup>ST</sup> DEFENDANT**

**LAND REGISTRAR ..... 2<sup>ND</sup> DEFENDANT**

**THE ATTORNEY GENERAL ..... 3<sup>RD</sup> DEFENDANT**

**RULING**

1. I have perused this file. It has been transferred from Kisumu Environment and Land Court to this court.
2. Clearly, the suit land, Kabondo/Kodumo/East/357 measuring approximately 0.9 Ha in area and the same is located within the jurisdiction of Oyugis Senior Principal Magistrate's court in the first instance.
3. So, being guided by Articles 6(3) and 48 of the [Constitution of Kenya, 2010](#) and sections 11 and 18 of the [Civil Procedure Act](#) (Cap 21 Laws of Kenya) as well as section 26 of the [Environment and Land Court Act, 2015 \(2011\)](#), I order and direct thus:
  - a. This suit is hereby transferred to Oyugis Senior Principal Magistrate's Court for hearing and determination.
  - b. Mention before Oyugis Senior Principal Magistrate's Court for directions on June 12, 2023.



c. It is so ordered.

**DELIVERED, DATED AND SIGNED AT HOMABAY THIS 8<sup>TH</sup> DAY OF JUNE 2023.**

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

**JUDGE**

Present

Court Assistant.

