



REPUBLIC OF KENYA



**Oriema v Nyauke & another (Enviromental and Land Originating Summons
E003 of 2023) [2023] KEELC 20730 (KLR) (11 October 2023) (Ruling)**

Neutral citation: [2023] KEELC 20730 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
ENVIROMENTAL AND LAND ORIGINATING SUMMONS E003 OF 2023
GMA ONGONDO, J
OCTOBER 11, 2023**

BETWEEN

JOSEPH OTIENO ORIEMA PLAINTIFF

AND

SAMUEL OWINO NYAUKE 1ST DEFENDANT

MARY SHEILA ALUOCH ODERA 2ND DEFENDANT

RULING

1. By a notice of motion application dated September 2, 2023, the two defendants/applicants through the firm of Aluoch Odera and Nyauke and Company Advocates, are seeking the orders thus;
 - a. The Court be pleased to order Mr Collynce Odhiambo Sungura, Mr Peter Apunda and Mr Joseph Odhiambo Awuondo to be enjoined in these proceedings as interested parties only for the purpose of their evidence on a Sale of land agreement allegedly witnessed by them and which sale of land agreement is at the centre of the Respondents' case but which document the plaintiff has opted to conceal from court.
 - b. The said sale of land agreement has been tabled before the court as evidence to form part of court records.
2. The application was duly served on the plaintiff's counsel, namely Nyarige and Company Advocates as revealed in an affidavit of service sworn on September 29, 2023 by Samwel O. Nyauke, learned counsel and the 1st applicant herein.
3. So, the plaintiff/respondent was made aware of the application he and opted not to respond to the same; see *Ogada v Mollin* [2009] KLR 620.
4. It is therefore, the finding of this court that the application is unopposed, firm and meritorious.



5. Accordingly, the application is hereby allowed in terms of orders 1 and 2 sought therein and as stated in paragraph 1(a) and (b) hereinabove.
6. It is so ordered.

DELIVERED AND DATED AT HOMABAY THIS 11TH DAY OF OCTOBER 2023

G.M.A ONG'ONDO

JUDGE

Present

1.Mr. S. Nyauke, learned counsel and the 1st defendant/applicant

2.Plaintiff, Present

3.Luanga, Court Assistant

