



**Rombo v Ouko & another (Environment & Land Case E003 of 2022)  
[2022] KEELC 14560 (KLR) (3 November 2022) (Ruling)**

Neutral citation: [2022] KEELC 14560 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT KISUMU  
ENVIRONMENT & LAND CASE E003 OF 2022**

**E ASATI, J**

**NOVEMBER 3, 2022**

**IN THE MATTER OF AN APPLICATION FOR ACQUISITION OF TITLE BY ADVERSE  
POSSESSION OF PARCEL OF LAND DESCRIBED AS KISUMU/NYAHERA/1694**

**AND**

**IN THE MATTER OF LIMITATION OF ACTIONS ACT, CAP 22 LAWS OF KENYA**

**BETWEEN**

**BETWEEN**

**JOSEPH OTIENO ROMBO ..... APPLICANT**

**AND**

**NORA ADHIAMBO OUKO ..... 1<sup>ST</sup> RESPONDENT**

**EMMA ANYANGO OUKO ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. This ruling relates to the plaintiff's notice of motion application dated May 11, 2022 brought pursuant to the provisions of order 5 rule 17 (1), (2) and (4) of the *Civil Procedure Rules 2010* and section 3A of the *Civil Procedure Act* cap 21 Laws of Kenya. The application seeks for orders that:
  - a. The applicant be granted leave to serve the respondents by substituted service either by way of registered post or by way of newspaper of national coverage, being either the Daily Nation Newspaper, the Standard Newspaper or the Star Newspaper.
  - b. The costs of the application be provided for.
2. The grounds upon which the application is brought are contained in the application and the supporting affidavit sworn by Cecil Kouko Advocate on May 11, 2022.



3. The applicant's case is that upon filing the suit herein summons to enter appearance together with the plaint were released to a process server for service upon the defendants but the process server was unable to trace the defendants so as to be able to serve them with the documents as instructed. The plaintiff therefore seeks the aforementioned orders.
4. I have read the notice of motion, the supporting affidavit. I have also read affidavit of service annexed to the application sworn by one Clifford Ouko Gombe, the court process server. I am satisfied that there is sufficient reason to order service of summons to enter appearance and pleadings so far filed herein by way of substituted service.
5. In the premises, the application is allowed. Service of summons to enter appearance, the plaint and all accompanying documents and pleadings filed to be effected upon the defendants by substituted service by way of registered post to the last known postal address of the defendants and by advertisement in a newspaper of national circulation to wit; either the Daily Nation Newspaper or the Standard Newspaper or the Star Newspaper in accordance with order 5 rule 17(4) Civil Procedure Rules 2010. Costs of the application to abide the suit.

Orders accordingly.

**RULING DELIVERED, DATED AND SIGNED AT KISUMU VIRTUALLY THIS 3<sup>RD</sup> DAY OF NOVEMBER, 2022 THROUGH MICROSOFT TEAMS VIDEO CONFERENCING PLATFORM.**

**E ASATI**

**JUDGE**

In the presence of:

Maureen: Court Assistant.

Kouko Advocate for the applicant/plaintiff.

N/A for the respondents.

**E ASATI**

**JUDGE.**

