



REPUBLIC OF KENYA



**Agola v Ojwang & 3 others (Succession Cause E054 of 2024)
[2024] KEHC 10783 (KLR) (17 September 2024) (Ruling)**

Neutral citation: [2024] KEHC 10783 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
SUCCESSION CAUSE E054 OF 2024
MS SHARIFF, J
SEPTEMBER 17, 2024**

BETWEEN

DANIEL OTIENO AGOLA PLAINTIFF

AND

JACOB NYAKWAR OJWANG 1ST DEFENDANT

GORDON NYAKWAR 2ND DEFENDANT

CHAJU CONSTRUCTION AND BUILDERS LIMITED 3RD DEFENDANT

KISUMU LAND REGISTRAR 4TH DEFENDANT

RULING

1. Upon perusal of the Plaintiff's Applicant's certificate of urgency, notice of motion, supporting affidavit of the Plaintiff dated 16.9.2024 and the enclosures therein I do note that the subject matter in this application is the use of land parcel No. Kisumu/Kanyakwar B/2734.
2. This court has no jurisdiction to handle the Plaintiff's claim as the same falls within the purview of the Environment and Land Court by dint of article 162 (2) (b) and Section 13 (2) of the *Environment and Land Court Act*.
3. Given that jurisdiction is everything and I cannot cloth myself with jurisdiction I do hereby strike out the application dated 16.9.2024 for want of jurisdiction. (See *Owners of M. V Lillian S. v Caltex Oil Kenya Ltd* (1989) eKLR.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 17TH DAY OF SEPTEMBER, 2024.

M. S. SHARIFF

JUDGE**

