



**Atieno v Oyoo (Miscellaneous Civil Case 333 of 2024)  
[2024] KEHC 12419 (KLR) (8 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 12419 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CIVIL CASE 333 OF 2024  
MS SHARIFF, J  
OCTOBER 8, 2024**

**BETWEEN**

**ROSTIKA ATIENO ..... PLAINTIFF**

**AND**

**FRANCIS OYOO ..... DEFENDANT**

**RULING**

1. I have considered the notice of motion dated 19<sup>th</sup> September 2024 and the affidavit in support thereof sworn by Rostika Atieno Ouma on even date and I do note that the subject matter of the application is land which is within the jurisdiction of the Environment and Land Court by dint of Section 13 of the Environment & Land Court Act and article 162/2/(b) of *the Constitution* of Kenya 2010. Jurisdiction is everything and this court cannot assign itself jurisdiction that it has not been clothed with by either *the Constitution* or Statute.
2. I therefore have to down my tools: See Owners of Motor Vessel Lilian S -vs- Caltex Oil (1989) KLR.
3. This application is thus struck out with no orders as to costs.
4. This file is marked as closed.

**DATED, SIGNED AND DELIVERED THIS 8<sup>TH</sup> DAY OF OCTOBER, 2024**

**M. S. Shariff**

**JUDGE**

