



**Ngode & another v Ongongo (Environment & Land Case
E005 of 2021) [2021] KEELC 4733 (KLR) (25 October 2021) (Ruling)**

Neutral citation: [2021] KEELC 4733 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
ENVIRONMENT & LAND CASE E005 OF 2021
GMA ONGONDO, J
OCTOBER 25, 2021**

BETWEEN

PETER JOSEPH OTHIM NGODE 1ST PLAINTIFF

JOYCE ANYANGO ODERO 2ND PLAINTIFF

AND

JARED NYABONGA ONSONGO DEFENDANT

RULING

1. An application by way of a Notice of Motion dated 18th October, 2021 and filed herein today under certificate of urgency has been brought to my attention. The 1st and 2nd plaintiff/applicants namely, Peter Joseph Othim Ngode and Joyce Anyango Odero respectively, through Messrs Leonard Johns and Company Advocates are seeking, *inter alia*, a temporary injunction against the defendant/respondent, Jared Nyabonga Ongongo in regard to the suit land, LR. No. West Kasipul/Kodera/Karabach/887 measuring approximately, two decimal zero hectares (2.0 Ha) in area as per the record duly filed herein.
2. Plainly, the body of the plaint (Fast Track) of even date including the orders sought at its foot, discern that the suit land is located and the defendant/respondent(s) is based at the door step of Oyugis Senior Principal Magistrate's Court. In the first instance, the said court has jurisdiction over this suit.
3. In the spirit of articles 6(3) and 48 of *the Constitution* of Kenya, 2010, sections 3, 13(1) and 26(3) and (4) of the *Environment and Land Court, 2015* (2011), sections 11, 12, 15 and 18(a) of the *Civil Procedure Act* Chapter 21 Laws of Kenya and sections 2 and 9(a) of the *Magistrates Courts Act* No. 26 of 2015, I hereby order and direct thus:
 - a) This entire suit is transferred to Oyugis Senior Principal Magistrate's Court for hearing and determination.
 - b) This file be placed before Oyugis Senior Principal Magistrate's Court urgently for directions.



c) The Deputy Registrar of this court to notify the parties accordingly.

d) It is so ordered.

G.M.A ONGO'NDO

JUDGE

ENVIRONMENT & LAND COURT

HOMABAY

25/10/2021

