

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT KAKAMEGA

ELC CASE NO. 195 OF 2015

DAVID ANANDA OKUMU.....PLAINTIFF/RESPONDENT

VERSUS

GEOFFREY EVANS OMWALO

NANCY BENTA OKUTOYL.....DEFENDANTS/APPLICANTS

RULING

The application is dated 14th August 2020 and is brought under Section 3A of the Civil Procedure Act orders:-

1. That the officer commanding Musanda Police Station be directed to provide security during the execution of the decree issued herein against the respondent herein.
2. That costs be provided for.

It is based on the grounds that the applicant herein obtained a decree for eviction order dated 31st day of May, 2018 against the respondent herein who were given three (3) months to abide by the order. That the respondent has neglected and/or refused to move and deliver up vacant possession of the L.R. S. Wanga/Musanda/8. That security is needed during the execution of the said decree so as to avoid breach of peace.

The respondent submitted that he has never been served with any order to evict him from the said parcel of land S. Wanga/Musanda/8. That the judgment was issued on 31st May, 2018 against the respondent herein. That he is the respondent and a grandson to the deceased namely Alfred Wandanda Wang'anya. That he filed an application for summons for revocation of grant on Kakamega Succession Case No. 43 of 2006 dated 20th July, 2018 and filed on 31st July, 2018. That the notice of motion filed before this court lacks merit and the same should be dismissed with costs to the respondent. That it is the interest of justice, be fairness and objective of the law that the orders sort in the notice of motion be dismissed with costs to the respondent.

This court has considered the application and the submissions therein. I have perused the court file and find that the applicant herein obtained a decree for eviction order dated 31st day of May, 2018 against the respondent herein who were given three (3) months to abide by the order. The applicants submit that the respondent has neglected and/or refused to move and deliver up vacant possession of the L.R. S. Wanga/Musanda/8. There is no stay in this matter and court orders must be obeyed. I find that this application is merited and I grant it as prayed.

It is so ordered.

DELIVERED, DATED AND SIGNED AT KAKAMEGA THIS 28TH OCTOBER 2020.

N.A. MATHEKA

JUDGE