



**Meroka v Bonuke & another (Enviromental and Land Originating Summons  
21 of 2020) [2025] KEELC 7400 (KLR) (30 October 2025) (Ruling)**

Neutral citation: [2025] KEELC 7400 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT KISII  
ENVIROMENTAL AND LAND ORIGINATING SUMMONS 21 OF 2020**

**M SILA, J**

**OCTOBER 30, 2025**

**BETWEEN**

**MOCHUMBE ONSINYO MEROKA ..... PLAINTIFF**

**AND**

**RUBY MORAA BONUKE ..... 1<sup>ST</sup> DEFENDANT**

**GESARE MORAA ELIZABETH ..... 2<sup>ND</sup> DEFENDANT**

**RULING**

1. The application before me is that dated 19 June 2025 filed by the plaintiff. The substantive prayers are prayers No. 3, 4, and 5, which seek the following orders :
  - (3) That pending the hearing and determination of this suit the Land Registrar, Kisii County, be ordered/directed by this Court to supply certified copies of the white card or green cards bespeaking the accurate and current state of register and ownership of parcel numbers LR No. Kisii Town Block III/ 409 and 413.
  - (4) That pending the hearing and determination of this suit, the Honourable Court be pleased to grant an order of temporary injunction restraining the defendants, by themselves, agents, servants and/or anyone claiming under them from undertaking construction of any structure or developments on the land parcels Kisii Town Block III/409 and 413, or parting with the title, ownership or interests or evicting or interfering with the plaintiff's peaceful occupation and use over the suit properties.
  - (5) That the honourable court be pleased to issue an order directing the Land Registrar Kisii, Land Registry to register inhibition in respect of the titles of land numbers Kisii Town Block III/409 and 413, prohibiting any dealings, entries, transfers or alienation of the subject properties until further orders of this court.



2. The application is opposed.
3. To put matters into perspective, the suit herein was commenced by the applicant through an Originating Summons filed on 16 July 2020 which was subsequently amended. The applicant claimed that vide sale agreements of 27 September 1999, he purchased portions of the parcels Kisii Town/Block III/409 and 413 from Joel Nyamao Bonuke and Mary Hellen Bonuke (both now deceased). He averred that he paid in full but the vendors died before transferring title to him. He averred that the respondents secretly filed Kisii CMSuccession Cause No. 551B of 2019 and got letters of administration without hiving off the two portions that he purchased. He wants a declaration that he has acquired interest in the portions and an order to compel the defendants comply with the sale agreements.
4. The defendants are the legal representatives of the late Joel Nyamao Bonuke and Mary Hellen Bonuke. They have filed a replying affidavit refuting the claim of the applicant and oppose the Originating Summons.
5. In this application, the applicant repeats that he purchased the suit properties which were hived off a parcel No. Kisii Municipality/Block III/ 267. He deposes that the respondents are keen to dispose of the same and have entered into sale agreements with third parties. He avers that some strangers visited the site on 25 June 2025 to inspect with intention to build.
6. The 1<sup>st</sup> respondent filed a replying affidavit inter alia contending that the properties No. 409 and 413 did not exist in 1999 and were only created in 2024 after subdivision of the parcel No. 267. She also contends that reliance on sale agreements vitiates the claim for adverse possession. She deposed further that the land parcel No. Kisii Municipality/Block III/413 is now in name of Jeran Contractors Limited and she does not hold any proprietary interest therein. She has annexed Certificates of Lease to the two parcels.
7. The 2<sup>nd</sup> respondent swore an affidavit wherein she inter alia deposed that upon receipt of the confirmed grant, they proceeded to subdivide the parcel No. Kisii Municipality/Block III/267 into five portions, being Kisii Municipality/Block III/409, 410, 411, 412 and 413. She has also reiterated that the parcel Kisii Municipality/Block III/413 is in name of Jeran Contractors Limited who bought it on 4 May 2020. She has cast aspersion on the contention of the applicant that he purchased the suit properties. She of course contends that the applicant has no good case.
8. I have considered the application.
9. The applicant's suit is of course over the parcels Kisii Municipality/Block III/ 409 and 413. I am aware that within the arguments presented in the replying affidavit is that the applicant never purchased the said properties or that his claim on the same is baseless. I opt not to go into that domain as that is an issue to be reserved for the hearing of the case. What I have not heard the respondents say is that the applicant is not in possession of the claimed properties and I will assume that he is. It is of course claimed that the property Kisii Municipality/Block III/413 has been sold and a copy of the Certificate of Lease in the name of Jeran Contractors Limited has been displayed. I however saw no search or white card and I am unable to tell of the genuineness of the certificate of lease. Maybe it is in name of the respondents or maybe it is in the name of a third party. Whatever the case, since the applicant claims this parcel of land, it is prudent that he is availed of documents from the lands office confirming the registration status together with the registration status of the parcel Kisii Municipality/Block III/ 409.
10. I will therefore allow prayer (3) of the application as drawn. In other words, the Land Registrar, Kisii, to provide to the applicant through his counsel, the white card or green card for the land parcels Kisii Municipality/Block III/409 and 413.



11. Prayer (4) is for injunction. As I have stated, there is no deposition in the replying affidavits refuting that the applicant is not in possession. To maintain the status quo, I am persuaded to issue an order of injunction restraining the respondents from interfering with the applicant's possession of the land parcels Kisii Municipality/Block III/409 and 413. I opt to issue the injunction against the respondent also over the plot No. 413 given that I am not certain of its registration status. Assuming that the parcel No. 413 is sold, issue of this order of injunction does not prejudice the respondents in any way. Prayer (4) is thus granted as prayed.
12. Prayer (5) is for an order of inhibition. Again, since the applicant claims the said parcels of land, it is only proper for an order of inhibition to issue so as to preserve the suit parcels of land to avoid dispositions that will only complicate the suit before court. I am persuaded to grant the order and hereby order the Land Registrar Kisii to register an order of prohibition, inhibiting the registration of any disposition in the register of the land parcels Kisii Municipality/Block III/409 and 413. The respondents are also barred from entering into any dispositions over those two land parcels from the date of issuance of this order.
13. The last issue is costs. They will be in the cause.
14. Orders accordingly.

**DATED AND DELIVERED THIS 30 DAY OF OCTOBER 2025**

**JUSTICE MUNYAO SILA**

**JUDGE, ENVIRONMENT AND LAND COURT**

**AT KISII**

Delivered in the presence of :

Mr. O.M Otieno for the applicant

Mr. Ratemo for the 1<sup>st</sup> respondent

Ms. Okumu for the 2<sup>nd</sup> respondent

Court Assistant – Michael Oyuko

