



**Onyango v Emukulot; Registrar of Lands, Busia County (Interested Party) (Environment and Land Case 64 of 2016) [2025] KEELC 7877 (KLR) (13 November 2025) (Ruling)**

Neutral citation: [2025] KEELC 7877 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT BUSIA  
ENVIRONMENT AND LAND CASE 64 OF 2016**

**BN OLAO, J  
NOVEMBER 13, 2025**

**BETWEEN**

**HARUN OTIENO ONYANGO ..... PLAINTIFF**

**AND**

**JOSEPH ERUKAN EMUKULOT ..... DEFENDANT**

**AND**

**REGISTRAR OF LANDS, BUSIA COUNTY ..... INTERESTED PARTY**

**RULING**

1. The dispute between Harun Otieno Onyango (the Respondent herein) and Joseph Erukan Emukulot (the Applicant) with respect to the ownership of the land parcel No South Teso/Angoromo/9978 (the suit land) was heard and determined by Omollo J vide a judgment delivered on 28<sup>th</sup> February 2022. In that judgment the Court found that whereas the Respondent is the registered proprietor of the suit land, the Applicant has an overriding interest measuring one (1) acre out of the suit land as was sought by the Applicant in paragraph (a) of his counter-claim.
2. It would appear that following that decree, the Applicant moved with haste and had his portion measuring one (1) acre out of the suit land parcel demarcated and indeed a portion now known as parcel No South Teso/Angoromo/18694 has now been apportioned and registered in his name. However, the Respondent cannot now be traced to surrender the original title to the suit land and has disappeared to Uganda. In the absence of the original title deed to the suit land, the Applicant cannot get the title to his one (1) acre portion. He has therefore enjoined the Land Registrar Busia as an Interested Party in the Notice of Motion dated 11<sup>th</sup> September 2025.
3. By that Motion and which is the subject of this ruling, the Applicant seeks the following orders:



1. That the Court do issue an order for the dispensation of production of the original title deed for the land parcel No South Teso/Angoromo/9978 currently in the name of the Respondent.
2. An order be issued authorizing the Interested Party to issue a certificate for the land parcel No South Teso/Angoromo/18694 being a sub-division out of the land parcel No South Teso/Angoromo/9978 upon dispensation with the production of the original title.
3. Costs be borne by the Respondent.
4. The Motion is premised on the grounds set out therein and supported by the Applicant's affidavit contents of which I have already summarized above.
5. Though served, neither the Respondent nor the Interested Party filed any response to the Motion. The Interested Party however filed a memorandum of appearance through Mr Stafford Nyauma For The Attorney General. Direction having been given that the Motion be canvassed by way of written submissions, only the Applicant filed his.
6. I have considered the Motion, un-opposed as it is, and the Applicant's submissions.
7. It is not disputed that vide a judgment delivered on 28<sup>th</sup> February 2022, Omollo J decreed that the Applicant is entitled to a portion measuring one (1) acre out of the land parcel No South Teso/Angoromo/9978 the suit land. There is no evidence to suggest that any appeal was filed against that judgment. A decree followed and it is clear that the Interested Party complied with it and has since demarcated the suit land to create two portions being South Teso/Angoromo/18693 and 18694 the latter which is now supposed to be registered in the name of the Applicant while the former is supposed to be registered in the name of the Respondent. From the submissions, the Respondent did execute all the relevant forms including appearing before the Land Control Board but he has refused to surrender the original title to the land parcel No South Teso/Angoromo/9978. There is no explanation as to why the Respondent has refused to surrender the original title deed to the land parcel No South Teso/Angoromo/9978 yet he has complied with the other requirements to facilitate the transfer. Unless he does so, the Applicant's judgment, and which was not appealed, will remain hollow. If he has lost the original title deed, he should be magnanimous enough to say so. Hopefully, it has not been unlawfully transferred.
8. In the circumstances and having considered the Notice of Motion dated 11<sup>th</sup> September 2025. I allow it and issue the following disposal orders:
  1. The Respondent shall within 7 days of service upon him of this order surrender the original title deed for the land parcel No South Teso/Angoromo/9978 to the Land Registrar Busia for cancellation and to facilitate the registration of the land parcel No South Teso/Angoromo/18694 in the name of the Applicant.
  2. In default of (1) above, the Land Registrar Busia shall proceed to cancel the title No South Teso/Angoromo/9978 in the register.
  3. The other portion which is South Teso/Angoromo/18693 shall be registered in the name of the Respondent.
  4. No orders as to costs.

**BOAZ N. OLAO**

**JUDGE**

**13<sup>TH</sup> NOVEMBER 2025**



**RULING DATED, SIGNED AND DELIVERED IN OPEN COURT THIS 13<sup>TH</sup> DAY OF NOVEMBER 2025.**

Applicant present in person

Respondent – Absent

A-G for Interested Party - Absent

**BOAZ N. OLAO**

**JUDGE**

**13<sup>TH</sup> NOVEMBER 2025**

