

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT VIHIGA

ELC (OS) NO.E002 OF 2020

NANCY ALOO GWEHONA APPLICANT

VERSUS

SALOME VUGUZA OMENO RESPONDENT

ABUKU MULINGA NDEDA 1ST INTERESTED PARTY

THOMAS CHAVAREGI OMEMU 2ND INTERESTED PARTY

MARY ANDESO MURUDA 3RD INTERESTED PARTY

RULING

The Notice of Motion application dated 25th February, 2026, seeks orders that pending the hearing and determination of the suit, the honourable court be pleased to issue an order of injunction prohibiting any sub-division and/or partition of land parcel No.TIRIKI/GISAMBAI/1263, that the Land Registrar, Vihiga Lands office, be directed to register the said prohibitory order against the title No. TIRIKI/GISAMBAI/1263 pending hearing and determination of the suit, and that the costs of the application be provided for.

The application was unopposed. Affidavit of service sworn by Mariat Nanungi Advocate on 4th February, 2025, shows that the Respondent and the Interested Party were served with the application, among other documents, on 2nd March, 2026.

The substantive order sought is a prohibition meant to preserve the title to the suit land pending hearing of the suit.

Certificate of official search attached to the application shows that the suit land is registered in the joint names of the Respondent and the Interested Parties.

The Applicant claims to have a lawful and beneficial interest in the suit land. She further claims that the Respondent has threatened to commence subdivision and/or partition of the land, hence disinherit the Applicant. She avers that unless restrained by the court, the respondent may subdivide, transfer, or otherwise alienate the land, thereby rendering the main suit nugatory.

Given that all that the Appellant seeks is to preserve the status quo of the title of the suit land and prohibit subdivision and transfer thereof pending hearing of the suit, I find that the application has merit.

The application is allowed. Costs shall be in the main suit.

Orders accordingly.

Ruling, dated and signed at Vihiga, read virtually this 5th day of March 2026 through Microsoft Teams Online Application.

**E. ASATI,
JUDGE.**

In the presence of:

Maureen - Court Assistant.

Nanunge for the applicant.

N/A for the Respondent.

N/A for the Interested Parties.