



**Otwala & 4 others v Abonyo (Land Case Appeal E016 of 2023)
[2026] KEELC 2626 (KLR) (5 May 2026) (Ruling)**

Neutral citation: [2026] KEELC 2626 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT SIAYA
LAND CASE APPEAL E016 OF 2023**

AY KOROSS, J

MAY 5, 2026

BETWEEN

**NICHOLAS OCHIENG OTWALA 1ST APPELLANT
EVANS JUMA OTWALA 2ND APPELLANT
JOSEPHINE ANYANGO OTWALA 3RD APPELLANT
POLYCAP OMONDI OTWALA 4TH APPELLANT
EMMANUEL OMONDI OTWALA 5TH APPELLANT**

AND

JACOB ACHWANYO ABONYO RESPONDENT

RULING

1. Having heard counsel for both parties, considered the various documents, submissions and dispositive orders which dismissed the appellant's suit before the trial court and dismissed the counterclaim before the trial court, this court finds that it has nothing to interpret. The court is functus officio and any aggrieved party was at liberty to appeal to the Court of Appeal. The import of the judgment was that it returned the parties to the position they were in before suit was filed. Application dated 15.4.2025 is hereby dismissed with no orders as to costs. Any status quo orders stand vacated. File remitted back to Siaya Environment and Land Court.

Orders accordingly.

DELIVERED AND DATED AT MACHAKOS THIS 5TH DAY OF MAY, 2026.

HON. A. Y. KOROSS

JUDGE

05.05.2026



Ruling delivered virtually through Microsoft Teams Video Conferencing Platform

In the presence of;

Ms. Kanja Court Assistant

Mr. Onyatta for applicant.

Mr. Ochieng for respondent.

