



**Agwa v Ochich (Environment and Land Appeal 13 of 2022)
[2024] KEELC 904 (KLR) (27 February 2024) (Ruling)**

Neutral citation: [2024] KEELC 904 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
ENVIRONMENT AND LAND APPEAL 13 OF 2022
GMA ONGONDO, J
FEBRUARY 27, 2024**

BETWEEN

CAREN O. AGWA APPLICANT

AND

MELKISHADEK AKOKO OCHICH RESPONDENT

RULING

1. This ruling is in respect of an application by way of a Notice of motion Ex parte dated 13th February 2024 by the applicant/interested party/auctioneer in person seeking the orders infra;
 - a. Leave be granted to the applicant to join the instant proceedings to enable him seek orders to aid him in execution in this matter.
 - b. The OCS Kendu Bay Police Station to provide security to enable him execute the warrant from this court by seizing the property of the judgment debtor.
 - c. The applicant be allowed to break the gates and doors where the proclaimed properties are kept if the same will not be voluntarily opened.
 - d. Costs incidental to this application be provided for.
2. The application is premised upon grounds (a) to (c) set out on it's face alongside the applicant's supporting affidavit and the accompanying documents annexed thereto. Briefly, the applicant states that the proclaimed properties are due for attachment and he requires security in the execution of warrants of this court in this matter.
3. The applicant has sought to join the proceedings herein as an interested party for reasons captured in the application. This court is aware of the meaning of the term "Joinder" in the *Black's Law Dictionary 10th Edition*.



4. I take into account the jurisdiction and the powers of this court set out in sections 3 and 3A of the *Civil Procedure Act* Chapter 21 Laws of Kenya, 2010 and sections 3, 13 and 19 of the *Environment and Land Court Act*, 2015 (2011).
5. Furthermore, I note that the applicant has moved this court in the spirit of Articles 48 and 159 (2) (b) of *the Constitution* of Kenya, 2010.
6. Bearing in mind the character of the application and the ends of justice. I find the application meritorious.
7. A fortiori, the application, be and is hereby allowed in terms of orders set out in paragraph 1 (a) to (d) hereinabove with costs.
8. It is so ordered.

DATED AND DELIVERED AT HOMA BAY THIS 27TH DAY OF FEBRUARY 2024.

G. M. A ONG'ONDO

JUDGE

PRESENT

1. Luanga, court assistant

