



REPUBLIC OF KENYA
ENVIRONMENT AND LAND COURT
AT MIGORI
ELC CASE NO. 120 OF 2017
(FORMERLY KISII ELC CASE NO. 1205 OF 2016)

PAUL OTIENO ODWAR

CALEB ODWAR

FELIX OGUTU TOTIENO

SUSAN OWUONDO ODWAR.....PLAINTIFFS/RESPONDENTS

VERSUS

MESHACK DAWA

S.O. OKOTH DAWA

LAND REGISTRAR (MIGORI/RONGO DISTRICT

ATTORNEY GENERAL CHAMBERS.....DEFENDANTS/APPLICANTS

RULING

1. A Notice of Motion dated 21/6/2017 by the Plaintiff/Applicant's counsel Mr. Muniko for Odera for hearing. There is no objection by Mr. Ayayo counsel for the 1st and 2nd Defendant/Respondents and Ms. Opiyo for the 3rd and 4th Defendants/Respondents, to the Notice of Motion.
2. The application is for substitution of the parties. It has merit. I accordingly allow it.
3. Status quo in respect of the suit land be maintained namely:-
 - a) **That the plaintiff should not interfere with activities of the defendants who have on it a sugarcane plantation.**
 - b) **Further, the 4th plaintiff should keep off the suit land until the matter is heard and determined.**
4. The parties to ensure full compliance with **Order 11 Civil Procedure Rules, 2010.**

5. Mention on 19/3/2018 for pre-trial directions.

DELIVERED, SIGNED and DATED in open court at MIGORI this **6th** day of **December 2017**.

G. M. A. ONGONDO

JUDGE

In the presence of;

Mr. Ayayo counsel for the 1st and 2nd Defendants

Mr. muniko counsel holding brief for Agure Odero for the plaintiffs

Ms. Opiyo counsel for 3rd and 4th Defendants

Josephine Lori -Court assistant