



**Chagora v Morongo (Environmental and Land Originating Summons
E02 of 2023) [2024] KEELC 6295 (KLR) (24 September 2024) (Ruling)**

Neutral citation: [2024] KEELC 6295 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MIGORI
ENVIRONMENTAL AND LAND ORIGINATING SUMMONS E02 OF 2023
GMA ONGONDO, J
SEPTEMBER 24, 2024**

BETWEEN

CHACHA CHAGORA APPLICANT

AND

JOHNES MARWA MORONGO RESPONDENT

RULING

1. This ruling pertains to application by Mr. Mwitia Kerario learned counsel for the Plaintiff/Applicant that ;-

“The respondent has started subdividing the land in dispute and may order of status quo be issued pending the hearing and determination of the suit. The Deputy Registrar notified us of this date. The respondent has never responded to the Originating summons herein. The status quo will preserve the suit land in interest of justice.”

(Emphasis added)

2. The applicant generated this suit by an originating Summon dated 8th March 2023, seeking determination of issues, inter alia that the applicant has acquired by adverse possession, the suit land parcel approximately ten (10) acres out of LR No. Nyabasi/Bosonga/138 currently land reference number Nyabasi/Bosonga/ 1319, in the title of the original owner one Morongo Maroa Mwita (Deceased) and which land has been transmitted to the respondent by way of succession having been extinguished by effluxion of time.
3. Indeed, the defendant was made aware of this matter further to an Affidavit of service sworn on 31st May 2024 by Kerario Marwa Advocate of the High court of Kenya. He is absent and not responded in this case.



4. This court has the mandate to grant interim preservation orders including status quo as envisaged in Section 13 (7) (a) of the *Environment and Land Court Act* 2015 (2011).
5. It is trite law that status quo order is meant to preserve the land in question pending the outcome or termination of the suit; see *Ogada =vs= Mollin* (2009) KLR 620.
6. The applicant's application for status quo order is not opposed and the same is merited.
7. A fortiori, it is hereby ordered and directed that there be status quo over the suit land parcel pending the hearing and determination of this suit. In particular, the parties shall not sell, subdivide, transfer, charge or in any manner dispose of the suit land parcel pending the outcome of the suit.
8. Hearing of the suit on 29th January 2025.
9. It is so ordered.

DATED AND DELIVERED AT MIGORI THIS 24TH DAY OF SEPTEMBER 2024

G. M. A. ONGONDO

JUDGE

In the presence of;

Mr. Mwita Kerario learned counsel for the Applicant/Plaintiff

Tom- Court Assistant

