



Okoth v Okello; Achilles (Interested Party) (Environmental and Land Originating Summons 33 of 2021) [2024] KEELC 14203 (KLR) (14 November 2024) (Ruling)

Neutral citation: [2024] KEELC 14203 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
ENVIROMENTAL AND LAND ORIGINATING SUMMONS 33 OF 2021
GMA ONGONDO, J
NOVEMBER 14, 2024**

BETWEEN

AGUBATUS OGALO OKOTH PLAINTIFF

AND

LAWRENCE MORTY OPIYO OKELLO DEFENDANT

AND

COLLINS OMONDI ACHILLES INTERESTED PARTY

RULING

1. Learned Counsel for the plaintiff, learned counsel for the defendant and the 1st interested party have drawn the attention of this court to a draft consent dated 26th January 2023 and duly filed herein.
2. The consent reads:
 - a. That the defendant shall transfer a portion of land parcel known as Lr.no.kabuoch/K/K/Karita/755 measuring 2.9 Acres only without any additional claim to the Plaintiff at the Plaintiff's cost.
 - b. That the defendant shall within 7 days of recording this consent, execute all the necessary documents including transfer forms, consent forms, mutations and any other document and/or form required for successful and effective transfer of 2.9 Acres of parcel of land parcel as LR.NO.Kabuoch/K/K/Karita/755.
 - c. That the defendant shall within 7 days of recording of this consent, surrender to the Plaintiff's Advocates copies of KRA Pin Certificate, National Identification /Document (ID), 3 coloured passport size photos and original Titled Deed of land parcel LR.No.Kabuoch/K/K/Karita/755 which is the subject of transfer.



- d. That upon compliance with the terms of the consent at paragraphs 2 and 3, the plaintiff shall remove the restriction that was registered in the Land parcel NO. Kabuoch/K/K/Karita/755 immediately.
 - e. That upon the removal of restriction referred to in paragraph 4 above, the interested parties shall be at liberty to transfer their own portions. (f) That should the defendant fail to comply with the above terms of the consent; the plaintiff will be at liberty proceed with the hearing from where it stopped.
3. The plaintiff, Agubatus Ogola Okoth and his counsel, V. Migai as well as the defendant, Lawrence Morty Opiyo Okello and his counsel, Ms. Ochieng instructed by the firm of H. Obach and partners advocates as well as the 1st interested party, Collins Omondi Achilles in person, have affirmed the consent.
 4. In that regard, the consent in it's entirety is adopted accordingly.
 5. It is so ordered.

DELIVERED, DATED AND SIGNED AT HOMA-BAY THIS 14TH DAY OF NOVEMBER 2024

G.M.A ONG'ONDO

JUDGE

Present:

1. V. Migai, learned counsel for the plaintiff.
2. Ms. Ochieng, learned counsel for the defendant
3. 1st interested party, present in person.
4. Luanga, Court Assistant.

