



**Mathiko & another v Ongoro & another (Environment & Land Case  
4 of 2021) [2023] KEELC 375 (KLR) (31 January 2023) (Ruling)**

Neutral citation: [2023] KEELC 375 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY  
ENVIRONMENT & LAND CASE 4 OF 2021  
GMA ONGONDO, J  
JANUARY 31, 2023  
FORMERLY MIGORI ELC CASE NO. 30 OF 2020**

**BETWEEN**

**JOHN OKONG'O MATHIKO ..... 1<sup>ST</sup> PLAINTIFF  
SALOME ONGORO ..... 2<sup>ND</sup> PLAINTIFF**

**AND**

**ALEX ONGORO ..... 1<sup>ST</sup> DEFENDANT  
VINCENT ALI ALEX ..... 2<sup>ND</sup> DEFENDANT**

**RULING**

1. By an amended plaint dated 21<sup>st</sup> March 2022 and filed herein on 19<sup>th</sup> April 2022, the plaintiff through the firm of Agure Odero and Company Advocate are claiming being legal owners of land parcel number Suba/Kamweda/2860 measuring one decimal seven three hectares (1.73 Ha) in area.
2. The suit land is located in Suba within the jurisdiction of Mbita Senior Resident Magistrate's Court.
3. Bearing in mind the area of the suit land and being guided by Articles 6(3) and 48 of the *Constitution* of Kenya, 2010 as well as Sections 1A, 1B, 3, 3A, 11, 12, 13, 15, 18 (a) of the *Civil Procedure Act* Chapter 21 Laws of Kenya, it is hereby ordered and directed thus;
  - a. This suit is transferred to Mbita Senior Resident Magistrate's Court for hearing and determination.
  - b. Mention before the said court for directions on 11<sup>th</sup> April 2023.

**DATED AND DELIVERED AT HOMA-BAY THIS 31<sup>ST</sup> DAY OF JANUARY 2023.**

**G.M.A ONG'ONDO**



## **JUDGE**

Present:

1. Mr. Odero, learned counsel for the plaintiff.
2. Okello, court assistant.

