



REPUBLIC OF KENYA



**Odeny v Odeny & 3 others (Environment & Land Case
8 of 2022) [2023] KEELC 336 (KLR) (18 January 2023) (Ruling)**

Neutral citation: [2023] KEELC 336 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
ENVIRONMENT & LAND CASE 8 OF 2022
GMA ONGONDO, J
JANUARY 18, 2023**

BETWEEN

MOSES JACK OPIYO ODENY PLAINTIFF

AND

FILIDA AOKO ODENY 1ST DEFENDANT

FREDRICK OMONDI ODENY 2ND DEFENDANT

EDWINA ATIENO ODENY 3RD DEFENDANT

BEATRICE ADHIAMBO OCHOLA 4TH DEFENDANT

RULING

1. I have heard counsel for the respective parties in respect of Notice of Motion dated November 10, 2022 for a temporary Injunction against the defendants/respondents.
2. In view of Article 159 (2) (b) and (d) of the *Constitution of Kenya, 2010*, section 13(7) (a) of the *Environment and Land Court Act, 2015* (2011), the Notice of Motion is hereby determined *infra*.
3. In that regard, the parties herein to maintain *status quo* over the suit parcels of land, LR numbers Homa-Bay/ Kothidha/4373, 4374, 4375 and 4376 pending the hearing and determination of this suit.
4. For clarity, the plaintiff/applicant and the defendants/respondents shall not sell, alienate, transfer, charge, lease or in any manner part with the suit parcels of land during the period stated in paragraph 3 herein above.
5. Further, there be inhibition on or over the suit parcels of land and the land Registrar Homa-Bay be served for action accordingly.
6. Suit fixed for further directions on February 27, 2023.



7. It is so ordered.

DELIVERED, DATED AND SIGNED AT HOMA-BAY THIS 18TH DAY OF JANUARY 2023.

G.M.A ONG'ONDO

JUDGE

Present.

- 1. Ochieng holding brief for Kariuki, learned counsel for the defendant.**
- 2. Ms. Adingo holding brief for Amuga learned counsel for plaintiff**
- 3. C/A: Okello and Mutiva**

