



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
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**Opiyo v Odeny & 3 others (Environment & Land Case 8 of 2022)  
[2023] KEELC 15801 (KLR) (27 February 2023) (Ruling)**

Neutral citation: [2023] KEELC 15801 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY  
ENVIRONMENT & LAND CASE 8 OF 2022  
GMA ONGONDO, J  
FEBRUARY 27, 2023**

**BETWEEN**

**MOSES JACK OPIYO ..... PLAINTIFF**

**AND**

**FELIDA AOKO ODENY ..... 1<sup>ST</sup> DEFENDANT**

**FREDRICK OMONDI ODENY ..... 2<sup>ND</sup> DEFENDANT**

**EDWINA ATIENO ODENY ..... 3<sup>RD</sup> DEFENDANT**

**BEATRICE ADHIAMBO OCHOLA ..... 4<sup>TH</sup> DEFENDANT**

**RULING**

1. This court has heard H Mimba learned counsel for the defendants and counsel Adingo, learned counsel for the plaintiff herein.
2. The plaintiff originated this suit by a plaint dated November 10, 2022 and filed in court on November 16, 2022. He is seeking that the subdivisions of the suit land Reference number HomaBay Kothidha/2173, be cancelled, among other orders.
3. Having noted the character of the matter as discerned in the pleadings and in light of sections 11 and 18(a) of the *Civil Procedure Act* Cap 21 Laws of Kenya, I order and direct thus:
  - a. This suit is hereby transferred to the Chief Magistrate's Court at Homa-Bay for hearing and determination.
  - b. Mention before the Chief Magistrate's Court at HomaBay for directions on March 27, 2023.
  - c. It is so ordered.

**DELIVERED AND DATED THIS 27<sup>TH</sup> DAY OF FEBRUARY 2023**



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

**JUDGE**

Present

Mimba holding brief for Mugeria, Lempaa and Kariweri and Company Advocates for the defendants

Ms. C. Adingo holding brief for Amuga for plaintiff.

Court Assistant, Mutiva

