



Oyier v Ondiek (Sued as the legal representative of Sime Oyua and Okach Sime –Deceased); Onyona (Interested Party) (Environment & Land Case 30 of 2021) [2023] KEELC 938 (KLR) (15 February 2023) (Ruling)

Neutral citation: [2023] KEELC 938 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
ENVIRONMENT & LAND CASE 30 OF 2021
GMA ONGONDO, J
FEBRUARY 15, 2023**

BETWEEN

JARED AKETCH OYIER APPLICANT

AND

MARGARET ABUNA ONDIEK (SUED AS THE LEGAL REPRESENTATIVE OF SIME OYUA AND OKACH SIME –DECEASED) RESPONDENT

AND

BEATRICE WANGUI ONYONA INTERESTED PARTY

RULING

1. This court has heard Mr. Mandela Migele learned counsel for the applicant, L. Obwanda, learned counsel for interested party and Ms. P. Odhiambo holding brief for Mr. G.S Okoth, learned counsel for the respondent in respect of an application by way of a Notice of Motion dated 17th October 2022.
2. In the said application, the applicant is seeking the orders *infra*:
 - a. That the respondent and the interested party to show cause why they should not be held in contempt of the court order issued on 10th November 2021.
 - b. That the respondent and the interested party be committed to civil jail for six months for contempt of court.
 - c. That the respondent and the interested party do purge the contempt of court by removing the nappier grass, the maize and sweet potatoes that they have planted on the suit parcel.
 - d. That the costs of this application be borne by the Respondent and the interested party.



3. Learned counsel for the respective parties have agreed to have the application disposed of and the same is hereby determined thus:
 - a. The respondent and the interested party to cease activities on the suit land reference number Kanyanda/Kotieno/Katuma A/600 pending the hearing and determination of this suit.
 - b. The *status quo* orders made on 10th November 2021 to remain in force.
 - c. The suit is fixed for pre-trial directions on 13th March 2023.
4. It is so ordered.

DATED AND DELIVERED AT HOMABAY THIS 15TH DAY OF FEBRUARY 2023

G.M.A ONG'ONDO

JUDGE

Present

Mr. Mandela Migele, learned counsel for the plaintiff/applicant

Ms. Odhiambo holding brief for G.S Okoth, learned counsel for the respondent

Ms L. Obwanda , learned counsel for the interested party.

