



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT OF KENYA AT HOMABAY

MISC. LAND APPLICATION NO. E002 OF 2022

(From Original Homa-Bay Land Case No. E 058 of 2021)

JAMES OTIENO OCHOLLA.....1ST RESPONDENT

-VERSUS-

KENNETH ODHIAMBO OBUYA.....1ST RESPONDENT

WARREN SURE SURE.....2ND RESPONDENT

RACHUONYO NORTH KOSELE

DISTRICT LAND REGISTRAR.....3RD RESPONDENT

RULING NO.2

1. By a Notice of Motion dated 20th January 2022 and filed herein on 27th January 2022 (the application herein), the applicant, James Otieno Ocholla through Nancy Nyarige and Company Advocates is seeking the orders infra:

a) The Honourable court be pleased to order that the Land Case No. E058 of 2021 pending before the Chief Magistrate's Court at Homa-Bay be transferred to the Principal Magistrate's Court at Oyugis for hearing and final determination.

b) The costs of this application be costs in the cause in the main suit.

2. The application is anchored on the applicant's affidavit and grounds (a) to (f) set out on the same.

3. The 1st Respondent through Mr. B Ogari holding brief for Mr. R Ochieng of M/S. Robert Ochieng and Company Advocates, does not oppose the application.

4. I consider of the nature of the application. The same is not challenged at all.

5. In the spirit of **Article 48 of the Constitution of Kenya, 2010** and **Section 18(a) of the Civil Procedure Act Chapter 21 Laws of Kenya**, I find the application meritorious. Thus, I proceed to order and direct that;

a) Orders 1 and 2 sought with in the application dated 20th January 2022 and filed herein on 27th January 2022, as stated in paragraph 1(a) and (b) herein above, hereby granted.

b) Land case No. E058 of 2021 pending before the Chief Magistrate's Court at Homa-Bay to be mentioned before the Senior Principal Magistrate's Court at Oyugis on 6th April 2022 for directions.

c) The 2nd and 3rd Respondents be served accordingly.

6. It is so ordered.

DELIVERED, DATED AND SIGNED AT HOMA BAY THIS 2ND MARCH 2022

G.M.A ONG'ONDO

JUDGE

Present:

Nancy Nyarige, learned counsel for the Applicant.

Mr. B. Ogari holding brief for R. Ochieng, learned counsel for 1st Respondent.



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