



**Sewe v Seventh Day Adventist Church (Environment and Land Appeal  
3 of 2022) [2023] KEELC 16477 (KLR) (23 March 2023) (Ruling) (with dissent)**

Neutral citation: [2023] KEELC 16477 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY  
ENVIRONMENT AND LAND APPEAL 3 OF 2022  
GMA ONGONDO, J  
MARCH 23, 2023**

**BETWEEN**

**REUBEN SEWE ..... APPELLANT**

**AND**

**SEVENTH DAY ADVENTIST CHURCH ..... RESPONDENT**

*(Formerly Kisii ELC Civil Appeal No 44 of 2015)*

**RULING**

1. Learned Counsel, Amondi holding brief for Bana for the respondent has sought dismissal of this appeal with costs to the respondent.
2. This appeal was generated by way of a memo of memorandum of appeal dated April 7, 2015 based on grounds 1 to 8 set out thereon.
3. The record of appeal has not been filed and served herein. There are no reasons thereof and orders of September 26, 2022 have not been complied with.
4. The appellant's counsel was present in court on February 14, 2023 when this date was fixed. He is absent without any explanation.
5. I take into account article 159 (2) (b) of the [Constitution of Kenya 2010](#) and section 3 of Environment and Land Act 2015 (2012) on delivery of justice without delay.
6. In the foregone, I find the prayer advanced by the respondent's counsel sound and is targeted at meeting the ends of justice.
7. Accordingly, this appeal is hereby dismissed with costs to the respondent.
8. It is so ordered.



**DELIVERED, DATED AND SIGNED AT HOMABAY THIS 23<sup>RD</sup> DAY OF MARCH 2023**

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

**JUDGE**

**Present:**

Ms. Amondi holding brief for Bana, learned counsel for respondent.

Okello and Mutiva, court assistants.

