



Abich v Amula (Sued as a legal representative of Amula Atudo (Deceased)) (Environment & Land Case 7 of 2022) [2023] KEELC 19265 (KLR) (17 April 2023) (Ruling)

Neutral citation: [2023] KEELC 19265 (KLR)

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
ENVIRONMENT & LAND CASE 7 OF 2022
GMA ONGONDO, J
APRIL 17, 2023
FORMERLY MIGORI ELC (O.S) NO. 36 OF 2020
IN THE MATTER OF LIMITATION OF ACTIONS ACT

BETWEEN

KENNEDY OCHIENG ABICH APPLICANT

AND

JOSHUA OKINYI AMULA RESPONDENT
SUED AS A LEGAL REPRESENTATIVE OF AMULA ATUDO (DECEASED)

RULING

1. I have considered the application by Mr M. Migele, learned counsel for the plaintiff and Mr S. Nyauke, learned counsel for the defendant regarding this suit alongside HomaBay ELCC No 19 of 2021 (OS)
2. Therefore, by consent of the parties herein this file be consolidated with HomaBay ELCC No 19 of 2021(OS) and this be the lead suit.
3. Hellen Aoko Agoro, the plaintiff in HomaBay ELCC OS No 19 of 2021 be deemed the 2nd defendant herein.
4. The defendant be granted leave to file a further affidavit jointly introducing the pleading in HomaBay ELCC No 19 of 2021 as part of records in this suit.
5. The evidence so far adduced in HomaBay Environment and Land Court OS No 7 of 2022 (this suit) together with the pleadings in HomaBay ELC OS No 19 of 2021 be deemed as the evidence on record for purposes of final disposal of this matter.
6. The list of documents filed by the plaintiff in HomaBay Environment and Land case No 19 of 2021(OS) be introduced as exhibit in this suit for purposes of final disposal of this matter.



7. The plaintiff's counsel and the defendants counsel duly filed and served herein.
8. The further affidavit envisioned in paragraph 4 hereinabove, be filed and served by close of business today.
9. The defendant's submission dated November 18, 2020 filed and served submissions herein be considered as part of the defendant's submissions.
10. The plaintiff's grant of letters of administration obtained in Homa-Bay Chief Magistrate's Court succession No E106 of 2021 be deemed to be part of the record herein.
11. Judgment on June 14, 2023.

It is so ordered.

DELIVERED, DATED AND SIGNED THIS 17TH DAY OF APRIL 2023.

G.M.A ONG'ONDO

JUDGE

