



**Oloo (Suing as the Administrator of the Estate of Michael Oloo Ogutu) v Ouma & 3 others
(Environment & Land Case 15 of 2021) [2023] KEELC 16804 (KLR) (13 April 2023) (Ruling)**

Neutral citation: [2023] KEELC 16804 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT SIAYA
ENVIRONMENT & LAND CASE 15 OF 2021
AY KOROSS, J
APRIL 13, 2023
ORIGINALLY KISUMU 268 OF 2014 (O.S)**

BETWEEN

**FELIX ODUOR OLOO (SUING AS THE ADMINISTRATOR OF THE ESTATE
OF MICHAEL OLOO OGUTU) PLAINTIFF**

AND

**DOMTILA ANYANGO OUMA 1ST DEFENDANT
MAURICE OTIENO OUMA 2ND DEFENDANT
JOSEPH OWINO OUMA 3RD DEFENDANT
OUMA OKOTH PETER 4TH DEFENDANT**

RULING

1. The application that had been reserved for ruling was the plaintiff's notice of motion dated March 15, 2022 in which the plaintiff's counsel, Mr Ashioya, sought for two substantive prayers; reinstatement of the dismissed suit and substitution of the deceased plaintiff Michael Oloo Ogutu ('deceased') with one Felix Oduor Oloo.
2. As this court was penning its ruling, it came to its attention that the motion was spent; this court had allowed it on 20/9/2022. In other words, there was no motion pending determination.
3. In the circumstances, I hereby issue the following orders–
 - a. The matter shall proceed for hearing in open court on May 10, 2023.
 - b. The plaintiff to personally serve the defendants with a hearing notice and file a return of service.

DELIVERED AND DATED AT SIAYA THIS 13TH DAY OF APRIL 2023.



HON. A. Y. KOROSS

JUDGE

April 13, 2023

Ruling delivered virtually through Microsoft Teams Video Conferencing Platform in the Presence of:

N/A for the parties

Court assistant: Ishmael Orwa

