



**Ochogo v Agunga & another (Environment and Land Appeal
E023 of 2023) [2023] KEELC 18122 (KLR) (19 June 2023) (Ruling)**

Neutral citation: [2023] KEELC 18122 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
ENVIRONMENT AND LAND APPEAL E023 OF 2023
GMA ONGONDO, J
JUNE 19, 2023**

BETWEEN

SOLOMON OCHOGO APPLICANT

AND

DORCUS AGUNGA 1ST RESPONDENT

PETER OKELLO ONYANGO 2ND RESPONDENT

RULING

1. By an application dated May 24, 2023 through Aluoch Odera and Nyauke Company Advocates, the applicant is seeking the following orders.
 - a. Moot
 - b. Moot
 - c. Upon hearing this application inter-parties, the Honourable Court be pleased to issue an order of stay of the lower Courts' Decree pending final determination of the Appeal.
 - d. Costs of this application be provided for.
2. Mr. S. Nyauke learned counsel for the applicant has informed the court that the parties have agreed to compromise the application in terms of order (c) sought therein. That the costs of the application to abide the outcome of the instant appeal which ought to be first tracked.
3. Mr. Mulama learned counsel for the 1st and 2nd respondents has no objection to the application.
4. In the premises the application is merited and hereby determined in terms of prayer (c) and as stated in paragraph 1 (c) hereinabove.
5. Costs of the application to abide the outcome of this appeal.



6. The appeal is fixed for directions on September 27, 2023.

7. It is so ordered.

DELIVERED, DATED AND SIGNED AT HOMABAY THIS 19TH DAY OF JUNE 2023.

G.M.A ONG'ONDO

JUDGE

PRESENT.

Mr. S. Nyauke for the appellant.

Mr. Mulama for the 1st and 2nd respondents.

Court Assistant, Okello and Mutiva

