



**Ogutu & another v Andele & another (Environment and Land Appeal  
12 of 2021) [2023] KEELC 18369 (KLR) (19 June 2023) (Ruling)**

Neutral citation: [2023] KEELC 18369 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY  
ENVIRONMENT AND LAND APPEAL 12 OF 2021  
GMA ONGONDO, J  
JUNE 19, 2023**

**BETWEEN**

**JOB OUMA OGUTU ..... 1<sup>ST</sup> PLAINTIFF**

**JULIAS ODHIAMBO OGUTU ..... 2<sup>ND</sup> PLAINTIFF**

**AND**

**JOHN OOKO ANDELE ..... 1<sup>ST</sup> DEFENDANT**

**COLDORI ENTERPRISES LIMITED ..... 2<sup>ND</sup> DEFENDANT**

**RULING**

1. Mr. Obach learned counsel for the 2nd defendant has implored this court to dismiss this suit with costs.
2. Counsel has informed the court that the plaintiffs have not taken any step herein. That they were notified of this date.
3. Indeed, the plaintiffs duly notified of this date, have not taken any step herein for the last one year.
4. Therefore, this suit be and is hereby dismissed with costs to the 2nd defendant pursuant to order 17 rule 2 of the Civil Procedure Rules, 2010
5. It is so ordered.

**DELIVERED DATED AND SIGNED AT HOMABAY THIS 19<sup>TH</sup> DAY OF JUNE 2023.**

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

**JUDGE**

**PRESENT.**

1. Ms. Obach learned counsel for the 2<sup>nd</sup> defendant.



2. Court Assistants, Mutiva and Okello.

