



Stephen (Suing as the Legal Representative of the Estate of Chialo Owino Ageno – Deceased) v Oyugi & 4 others (Environment and Land Appeal 64 of 2022) [2023] KEELC 18219 (KLR) (19 June 2023) (Ruling)

Neutral citation: [2023] KEELC 18219 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
ENVIRONMENT AND LAND APPEAL 64 OF 2022
GMA ONGONDO, J
JUNE 19, 2023**

BETWEEN

ACHIENG OYUGI STEPHEN (SUING AS THE LEGAL REPRESENTATIVE OF THE ESTATE OF CHIALO OWINO AGENO – DECEASED) APPELLANT

AND

**NAFTALI BONDO OYUGI 1ST RESPONDENT
ELIJAH OMORI ACHIENG 2ND RESPONDENT
ELIJAH OMOLLO OCHIENG 3RD RESPONDENT
LAND REGISTRAR, HOMABAY 4TH RESPONDENT
HON. ATTORNEY GENERAL 5TH RESPONDENT**

(Being an Appeal from the Judgment and Decree of Hon. E.M Onzere delivered on the 7th day of December 2020 in Ndhiwa PM ELC No. 32 OF 2020)

RULING

1. I have considered the application for the withdrawal of this appeal by Kimberly Ashley instructed by Sam Onyango learned counsel for the appellant.
2. Counsel has stated that the appellant is settling the bill of costs at the magistrate's Court.
3. Mr B Mulisa learned counsel for the respondents has no opposition to the application.
4. I, therefore, find the application meritorious.
5. A fortiori, this appeal be and is hereby withdrawn with no orders as to costs.



6. It so ordered.

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

GMA ONG'ONDO

JUDGE

PRESENT.

1. Ms. Kimberly Ashley instructed by Sam Onyango for the appellant.
2. Mr. B. Mulisa learned counsel for the respondents.
3. **Court Assistants, Okello and Mutiva.**

