



**Wanga v Kowiti & another (Environment and Land Appeal
E039 of 2022) [2023] KEELC 18187 (KLR) (19 June 2023) (Ruling)**

Neutral citation: [2023] KEELC 18187 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
ENVIRONMENT AND LAND APPEAL E039 OF 2022
GMA ONGONDO, J
JUNE 19, 2023**

BETWEEN

MICHAEL OKWORO WANGA APPELLANT

AND

JOSEPH OMOL KOWITI 1ST RESPONDENT

MARGARET ACHIENG OTIENO 2ND RESPONDENT

*(Being an Appeal from decree in the original Land Case No. E049 of 2020 of
the Chief Magistrate's Court at HomaBay issued on the 17th August 2022)*

RULING

1. The appellant's counsel, Mr. Nyakwamba applied for leave to file and serve a supplementary record of Appeal by June 20, 2023.
2. The application is based on the ground that there was a lapse to include the trial court's decree to the record of appeal dated May 24, 2023.
3. Ms. Apondi learned counsel for the respondent has no objection to the application.
4. Notably, no decree is not contained in the said record.
5. In the circumstances, the application is meritorious.
6. The upshot is that the application is allowed and the appellant's counsel to file and serve supplementary record of appeal by June 20, 2023.
7. Orders accordingly.

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



G.M.A ONG'ONDO

JUDGE

PRESENT

Ms. E. Apodi learned counsel for respondents.

Mr. Nyakwamba learned counsel for appellant.

