



Ng'uela & another v Amayi; Mboya & another (Intended Appellants) (Environment & Land Case 47 of 2021) [2023] KEELC 18256 (KLR) (14 June 2023) (Ruling)

Neutral citation: [2023] KEELC 18256 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
ENVIRONMENT & LAND CASE 47 OF 2021
GMA ONGONDO, J
JUNE 14, 2023**

BETWEEN

ANDRONICO ONDORO NG'IELA 1ST APPLICANT

MARY ACHIENG NG'IELA 2ND APPLICANT

AND

SOPHIA MADEWA AMAYI RESPONDENT

AND

RENARD OUMA MBOYA INTENDED APPELLANT

CAROLINE KADHEITSA KARANI INTENDED APPELLANT

RULING

1. In the *ex-parte* notice of motion dated May 10, 2023 (the application) the intended interested appellants through Abir Ruth and Company Advocates have sought as follows:
 - a. Spent
 - b. That the applicants be admitted as interested parties or necessary parties after judgment having been affected by the judgment of the honourable court for purpose pursuing an appeal only against the judgment of the court.
 - c. That the costs of the application be in the course.
2. Notably, judgment of this honourable court regarding the suit land, reference Central Kasipul/Kamuma/13, was delivered on March 7, 2023.
3. On June 13, 2023, the intended interested appellant's /applicants counsel filed a notice of withdrawal of the application with no orders as to costs as none of the parties have been served.



4. Mr Anyul instructed by the intended appellants/applicants counsel has confirmed the withdrawal notice. He has implored the court to adopt the same as an order of the court.
5. In the premises, I find the notice of withdrawal sound. The same be and is hereby allowed accordingly.
6. It is so ordered.

DELIVERED VIRTUALLY AT HOMABAY THIS 14TH DAY OF JUNE 2023

G.M.A ONG'ONDO

JUDGE

PRESENT.

- 1. Mr. Anyul holding brief for Abir Ruth for the intended interested appellant/applicants.**
- 2. Court Assistant: Okello and Mutiva.**

