



**Orinde v Rachuonyo & 2 others (Environment & Land Case  
38 of 2021) [2023] KEELC 18997 (KLR) (27 July 2023) (Ruling)**

Neutral citation: [2023] KEELC 18997 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY  
ENVIRONMENT & LAND CASE 38 OF 2021  
GMA ONGONDO, J  
JULY 27, 2023**

**BETWEEN**

**OMOLO ORINDE ..... PLAINTIFF**

**AND**

**OCHIAGA RACHUONYO ..... 1<sup>ST</sup> DEFENDANT**

**ELKANA OSE ..... 2<sup>ND</sup> DEFENDANT**

**ABUYA ALWALA ..... 3<sup>RD</sup> DEFENDANT**

**RULING**

1. By a notice of motion dated February 16, 2023 pursuant to Order 9 rule 13 (1) of the [Civil Procedure Rules, 2010](#) the firm of Ochillo and Company Advocates for the defendants sought the following orders:
  - a. That the Honourable court be pleased to grant an order to Ochillo and Company Advocates to cease acting for the defendants herein in this suit.
  - b. That costs of this application be provided for.
2. Mr. Jack Bunde of Ochillo and Company Advocates for the defendants has applied for withdrawal of the application on grounds that:

“the defendants appeared and gave us further instructions.”
3. Clearly, there is no issue as regards to with the withdrawal of the application as the defendants and their counsel are the best judges of their own case as held in [Butt -versus -Rent Restriction Tribunal \(1979\) eKLR](#).
4. I therefore, find the said withdrawal meritorious.



5. Accordingly, the application dated February 16, 2023 is hereby marked as withdrawn with no orders as to costs.
6. Ordered accordingly.

**DELIVERED DATED AND SIGNED AT HOMABAY THIS 27<sup>TH</sup> DAY OF JULY 2023.**

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

**JUDGE**

Present.

J. Bunde, learned counsel for the defendants.

