



Ogwang & 3 others v Odak (Sued in his Capacity as the Legal Representative and an Administrator of the Estate of Zilpah Odak - Deceased) (Environment & Land Case 28 of 2021) [2023] KEELC 18964 (KLR) (24 July 2023) (Ruling)

Neutral citation: [2023] KEELC 18964 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
ENVIRONMENT & LAND CASE 28 OF 2021
GMA ONGONDO, J
JULY 24, 2023**

BETWEEN

**ANDREW OTIENO OGWANG 1ST PLAINTIFF
TOM OCHOLA ODHIAMBO 2ND PLAINTIFF
GRACE AKINYI OKINDA 3RD PLAINTIFF
LUCY ATIENO OCHIENG 4TH PLAINTIFF**

AND

TOM ODAK (SUED IN HIS CAPACITY AS THE LEGAL REPRESENTATIVE AND AN ADMINISTRATOR OF THE ESTATE OF ZILPAH ODAK - DECEASED) DEFENDANT

RULING

1. I have heard an application by Mr. Odingo learned counsel for the defendant to have the hearing of this suit adjourned from today to another date to enable him put his house in order and for reasons including more time to obtain some documents herein.
2. Further, I have heard Mr. Ochwangi for the plaintiffs who has opposed the application on the basis, inter alia, that this is an old matter that cries for hearing and determination.
3. Having considered the application and the opposition thereto coupled with the decision in *Butt v Rent Restriction Tribunal* (1979) eKLR that advocates are profession advisors of their clients as well as article 159(2) (b) of the *Constitution* of Kenya, 2010 and section 3 of the *Environment and Land Act*, 2015 (2011) on expeditious delivery of justice, I find the application unmeritorious.
4. In the result, I disallow the application.



5. By the way, the defendant's counsel will be at liberty to precipitate my application as the hearing of the suit proceeds.
6. On that account, further hearing of this suit starts pursuant to the orders given on May 24, 2023.
7. It is so ordered.

DATED AND DELIVERED THIS 24TH DAY OF JULY, 2023.

G .M .A ONG'ONDO

JUDGE

