



Odede & 3 others v Arunga & 3 others (Constitutional Petition 12 of 2021) [2023] KEELC 21449 (KLR) (18 October 2023) (Ruling)

Neutral citation: [2023] KEELC 21449 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
CONSTITUTIONAL PETITION 12 OF 2021
GMA ONGONDO, J
OCTOBER 18, 2023**

BETWEEN

**ISAAC MAURICE KIBUYE MUSA ODEDE 1ST PETITIONER
BEATRICE ATIENO OCHIENG 2ND PETITIONER
ISAIAH AGWENGE ODERA 3RD PETITIONER**

AND

LILIAN ACHIENG ODIWUOR APPLICANT

AND

**ROBERT ARUNGA 1ST RESPONDENT
GEORGE KIDENDA 2ND RESPONDENT
THE LANDS REGISTRAR RACHUONYO DISTRICT 3RD RESPONDENT
THE HONOURABLE ATTORNEY GENERAL 4TH RESPONDENT**

RULING

1. This ruling is in regard to an application by way of Notice of Motion dated 13th April 2023 and filed on by the applicant, Lillian Achieng Odiwuor through O.P Ngoge and Associates Advocates. She is seeking the following orders:
 - a. That Lillian Achieng Odiwuor be enjoined in this matter as the 1st Petitioner in place of Isaac Maurice Kibuye Odede (Deceased).
 - b. That the Costs of this Application be in the Cause.
2. The application is premised upon the applicant’s supporting affidavit of four paragraphs sworn on even date and the annexed copy of grant “LAO1” as well as the ground set out on the face of the application.



The applicant states that the 1st Petitioner is deceased. That she be allowed to join this suit in lieu of the deceased.

3. There is no response to the application.
4. Ms Agade instructed by the firm of Odondi Awino and Company Advocates for the 1st and 2nd respondents, has no objection to the application.
5. So, Mr. O.P Ngoge learned counsel for the applicant has implored this court to grant the orders sought in the application.
6. In the premises, I find the application cogent, steadfast and merited.
7. The upshot is that the application is hereby allowed in terms of order 1 sought therein and as stated in paragraph 1(a) hereinabove.
8. Costs of the application be in the cause.
9. It so ordered.

DELIVERED, DATED AND SIGNED AT HOMABAY THIS 18TH DAY OCTOBER, 2023.

G.M.A ONG'ONDO

JUDGE

PRESENT.

1. Mr. O.P Ngoge learned counsel for the applicant.
2. Ms Agade instructed by Odondi Awino for the 1st and 2nd respondents.
3. Court Assistants, Luanga and Mutiva.

