



REPUBLIC OF KENYA



**KENYA LAW**  
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**Ngangi v Josiah (Environment and Land Appeal E088 of 2022)  
[2023] KEELC 20722 (KLR) (16 October 2023) (Ruling)**

Neutral citation: [2023] KEELC 20722 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT THIKA  
ENVIRONMENT AND LAND APPEAL E088 OF 2022**

**BM EBOSO, J**

**OCTOBER 16, 2023**

**BETWEEN**

**PETER NJUGUNJA NGANGI ..... APPELLANT**

**AND**

**WILLIAM KURIA JOSIAH ..... RESPONDENT**

**RULING**

1. The appellant seeks to withdraw this appeal with no order as to costs. The respondent does not object to the intended withdrawal but insists on being awarded costs of the appeal.
2. The general principle on costs is that costs follow the event [see Section 27 of the *Civil Procedure Act*.] No special circumstances have been demonstrated to warrant a departure from the above general principle. Secondly, the court record shows that, upon being served with the memorandum of appeal, the respondent appointed advocates who have been attending court. The respondent will be expected to pay their legal charges. In the circumstances, it would be unfair to deny the respondent costs of the suit after being dragged into this court by the appellant.
3. For the above reasons, this appeal is marked withdrawn with the order that the appellant is to bear costs of the appeal.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT THIKA ON THIS 16TH DAY OF  
OCTOBER 2023**

**B M EBOSO**

**JUDGE**

In the Presence of: -

Appellant – Mr Oyando



Respondent – Mr Onchiri

Court Assistant: Osodo/ Hinga

