



**Abok (Suing as the Legal Representative of Joseph Ochieng Odote) v  
Nyakina (Environmental and Land Originating Summons E001 of 2023)  
[2023] KEELC 21758 (KLR) (27 November 2023) (Ruling)**

Neutral citation: [2023] KEELC 21758 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY  
ENVIROMENTAL AND LAND ORIGINATING SUMMONS E001 OF 2023  
GMA ONGONDO, J  
NOVEMBER 27, 2023**

**BETWEEN**

**MONIKA ADOYO ABOK (SUING AS THE LEGAL REPRESENTATIVE OF  
JOSEPH OCHIENG ODOTE) ..... APPLICANT**

**AND**

**OGETA NYAKINDA ALIAS CHARLES OGETA NYAKINA ..... RESPONDENT**

**RULING**

1. By a Notice of Motion application dated 12<sup>th</sup> October 2023, the applicant through L.K Obwanda Advocates has sought thus:
  - a. That this Honourable Court do grant leave to the Applicant to amend the originating Summons as disclosed in the draft annexed amended originating summons marked ‘MAA-6’ herein.
  - b. That the amended originating summons be deemed to have been duly filed and served.
  - c. That the cost of this application be provided for.
2. Ms. S. Adoyo instructed by L.K Obwanda Advocates has informed the court that:

“there is no response to the Notice of Motion dated 12<sup>th</sup> October 2023. May it be allowed as prayed”.
3. Indeed, there is no response to the application herein.
4. Taking into account the entire application based on the applicant’s supporting affidavit together with the annexed documents alongside the grounds on it’s face, the same is unopposed, firm and meritorious.



5. Accordingly, the application is hereby allowed in terms of orders 1 and 2 sought therein as stated in paragraph 1(a) and (b) hereinabove.
6. Costs of the application be in the cause.
7. It is so ordered.

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

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

**JUDGE.**

**PRESENT.**

1. S. Adoyo instructed by L.K Obwanda Advocates for the applicant.
2. Mutiva, Court Assistant.

