



**Owidi (Suing as the personal administrator and representative of the Estate of Thadayo Mumbo Owidi) v Ndege (Environment & Land Case E005 of 2023) [2023] KEELC 21726 (KLR) (20 November 2023) (Ruling)**

Neutral citation: [2023] KEELC 21726 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY  
ENVIRONMENT & LAND CASE E005 OF 2023  
GMA ONGONDO, J  
NOVEMBER 20, 2023**

**BETWEEN**

**PILSTER MUMBO OWIDI (SUING AS THE PERSONAL ADMINISTRATOR AND REPRESENTATIVE OF THE ESTATE OF THADAYO MUMBO OWIDI) ..... APPLICANT**

**AND**

**DANIEL ODHIAMBO NDEGE ..... RESPONDENT**

**RULING**

1. By a preliminary objection dated October 17, 2023, the respondent/defendant, Daniel Odhiambo Ondenge through the firm of Ochich TLO & Associates Advocates, claimed, inter alia, that the applicant/plaintiff has no locus standi to mount this suit.
2. Mr Ochich, learned counsel for the defendant has made an application to withdraw the preliminary objection with no orders as to costs on the basis that the same has been overtaken by events.
3. Mr. Nyanga, learned counsel for the plaintiff has no objection to the defendant's withdrawal of the application.
4. I have carefully considered the defendant's application in entirety. The same is merited in the circumstances.
5. Accordingly, the preliminary objection is hereby marked as withdrawn with no orders as to costs.

**DATED AND DELIVERED AT HOMABAY THIS 20<sup>TH</sup> DAY OF NOVEMBER 2023.**

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

**JUDGE**

