



Amoth & 3 others (Suing as a legal administrator of the Estate of Mary Aoko (Deceased)) v Dulo & 4 others (Environment & Land Case 16 of 2021) [2023] KEELC 21462 (KLR) (14 November 2023) (Ruling)

Neutral citation: [2023] KEELC 21462 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
ENVIRONMENT & LAND CASE 16 OF 2021
GMA ONGONDO, J
NOVEMBER 14, 2023**

BETWEEN

**FRANCIS OGOLA AMOTH 1ST APPLICANT
PETER OSORE 2ND APPLICANT
TOMAS OCHIENG ABUTO 3RD APPLICANT
MOSES OKONGO DINGA 4TH APPLICANT
SUING AS A LEGAL ADMINISTRATOR OF THE ESTATE OF MARY AOKO
(DECEASED)**

AND

**ALLOYCE ODHIAMBO DULO 1ST RESPONDENT
ISABELA OMOLO DULO 2ND RESPONDENT
GEORGE ONONO DULO 3RD RESPONDENT
MICHAEL OUMA DULO 4TH RESPONDENT
PIUS OKUKU DULO (ALIAS JOSEPH) 5TH RESPONDENT**

RULING

1. On 5th March 2020, the applicant, Francis Ogola Amoth and 3 others in person lodged this suit by way of an Originating Summons dated 10th March 2020. They are claiming that they have acquired portions of the suit land, Parcel No. Lambwe East /151/ by adverse possession.
2. The defendants are represented by M/s Nyangacha and Company Associates Advocates herein
3. The parties have not taken any step in this suit for more than a year.



4. Article 159(2) (b) of the Constitution of Kenya, 2010 reads;

“Justice shall not be delayed”

5. So, a notice was issued on 17th November 2023 at 4:24 PM GMT+3 under Order 17 Rule 2 of the Civil Procedure Rules, 2010. There is no cause shown by the parties why it should not be dismissed.

6. Pursuant to Order 17 Rule 2 of the Civil procedure Rules, 2010, this suit is hereby dismissed with no orders as to costs.

DELIVERED, DATED AND SIGNED THIS 14TH DAY OF NOVEMBER 2023.

G.M.A ONG’ONDO

JUDGE

