



REPUBLIC OF KENYA



KENYA LAW

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**Wanga v Kowiti; Kennedy Ooko Jacob t/a Ssebo Intel Co. Auctioneer
(Interested Party) (Environment and Land Appeal E059 of 2022)
[2023] KEELC 22188 (KLR) (14 December 2023) (Ruling)**

Neutral citation: [2023] KEELC 22188 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
ENVIRONMENT AND LAND APPEAL E059 OF 2022
GMA ONGONDO, J
DECEMBER 14, 2023**

BETWEEN

MICHAEL OKWORO WANGA APPELLANT

AND

JOSEPH OMOL KOWITI RESPONDENT

AND

**KENNEDY OOKO JACOB T/A SSEBO INTEL CO.
AUCTIONEER INTERESTED PARTY**

RULING

1. This ruling is in respect of an application by way of a notice of motion dated 16th October 2023 by the applicant/interested party/auctioneer who appears in person seeking orders, inter alia;
 - a. The honourable court be pleased to grant to the interested party/applicant herein to be joined and or enjoined in the instant proceedings to enable him assess his cost.
 - b. That the cost incidental to this application be provided for.
2. The application is premised on the applicant's supporting affidavit and grounds (a) to (c) set out on the face of it. Briefly, the applicant's lamentation is that he is not a party to this suit and that he has a right to be heard and be paid his costs and other payment as he has performed his duties in this matter.
3. The respondent as well as his counsel were duly served with the application as shown in the affidavits of service sworn by Vitalis Onyango Akuku, a private court process server on December 13, 2023 and December 4, 2023 respectively and duly filed herein.
4. Notably, the respondent/judgment debtor opted not to respond to the application



5. In the premises, I find the application unchallenged and meritorious.
6. Accordingly, the application is allowed in terms of prayers 2 and 6 therein as stated in paragraph 1 (a) and (b) hereinabove.
7. It is so ordered.

DATED AND DELIVERED AT HOMA BAY THIS 14TH DAY OF DECEMBER 2023

G. M. A ONGONDO

JUDGE

PRESENT;

1. Applicant/interested party/auctioneer in person
2. Kachuodho, court assistant

