



REPUBLIC OF KENYA

ENVIRONMENT AND LAND COURT AT HOMABAY

ELC (OS) NO. 44 OF 2021

(Formerly Migori ELC (OS) NO. 185 of 2017)

BENARD OTIENO OBUNGA.....PLAINTIFF

VERSUS

LAWRENCE OGUDA OBUNGA.....RESPONDENT

RULING

1. The applicant/plaintiff, Benard Otieno Obunga through M/S. Nyauke and Company Advocates generated this suit by way of an originating summons dated 25th May 2016. He is seeking, inter alia, a declaration that he has acquired the suit land, LR. No. East Kanyada/Kayadier/3465 by way of adverse possession.

2. On 13th January 2022, M/S Nyauke and Company Advocates for the applicant and M/S. Owade and Company Advocates for the Respondent, Lawrence Oguda Obunga filed herein a consent dated 10th January 2022 that the suit be marked as withdrawn. That there be no orders as to costs.

3. Today, the 24th January 2022, M/S Nyauke counsel for the applicant and Mr. Owino holding brief for Mr. Owade counsel for the Respondent, have confirmed the said consent. This court is urged to adopt the same.

4. Having heard counsel for the respective parties and noted the consent referred to in paragraph 2 herein above and in the spirit of Article 159(2)(b) of the Constitution of Kenya, 2010 and the decision in **Butt –versus -Rent Restriction Tribunal(1979) eKLR**, the consent is adopted accordingly.

5. For clarity, it is hereby ordered that:

a) The instant suit is marked as withdrawn.

b) There be no order as to costs.

DATED AND DELIVERED AT HOMA BAY THIS 24TH JANUARY 2022

G.M.A ONG'ONDO

JUDGE

In the presence of:

i) Mr. Nyauke learned Counsel for the Plaintiff.

ii) Mr. Migele holding brief for Mr. Owade learned Counsel for Defendant

iii) Okello, court assistant

G.M.A ONG'ONDO

JUDGE