



Ura v Okello (Sued as the Representative of the Estate of Rubot Okello Ogwange) & 2 others (Environment and Land Appeal 21 of 2021) [2022] KEELC 15656 (KLR) (23 February 2022) (Ruling)

Neutral citation: [2022] KEELC 15656 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
ENVIRONMENT AND LAND APPEAL 21 OF 2021
GMA ONGONDO, J
FEBRUARY 23, 2022**

BETWEEN

INVIOLATA LUCY URA APPELLANT

AND

HARRISON NYARIERE OKELLO (SUED AS THE REPRESENTATIVE OF THE ESTATE OF RUBOT OKELLO OGWANGE) 1ST RESPONDENT

THE LAND REGISTRAR, HOMABAY 2ND RESPONDENT

THE HONOURABLE ATTORNEY GENERAL 3RD RESPONDENT

(Being an appeal from HomaBay Principal Magistrate's Court Land Case No 70 of 2019)

RULING

1. The appellant through the firm of GS Okoth and Company Advocates filed a notice of withdrawal of appeal dated February 15, 2023 on February 20, 2023 pursuant to order 25 rule 1 of the [Civil Procedure Rules, 2010](#) and it reads.

' Take notice that the appellant hereby withdraws wholly the appeal against the respondent. The honourable court do exercise its judicial discretion and direct that each party bear their own costs of the appeal.'
2. Mr SO Nyauke, learned counsel for the respondents has no objection to the withdrawal of the appeals save for costs and interest thereon.
3. I bear in mind order 25 rule (supra), sections 3, 3A, 26 and 27 of the [Civil Procedure Act](#) Chapter 21 Laws of Kenya, section 3 of the [Environment and Land Court Act](#), 2015[2011] and article 159(2) (b) of the [Constitution](#) of Kenya, 2010.



4. In the foregone, I find merit in the notice of withdrawal of the appeal.
5. Accordingly, I order and direct that:
 - a) This appeal is hereby marked as withdrawn.
 - b) The appellant to bear half ($\frac{1}{2}$) costs of the appeal to be taxed by the taxing master of this court together with interest at court rates from this date.
 - c) Ordered accordingly.

DELIVERED AND DATED AT HOMABAY THIS 23RD FEBRUARY 2023.

G.M.A ONG'ONDO

JUDGE

PRESENT:

- a) Mr. S.O Nyauke, learned counsel for the respondents.
- b) Ms. P.O Odhiambo instructed by G.S Okoth, learned counsel for the appellant.

