



REPUBLIC OF KENYA



KENYA LAW
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**Chumo & 2 others v Lelei (Civil Case 63 of 2021)
[2025] KEELC 3876 (KLR) (7 April 2025) (Ruling)**

Neutral citation: [2025] KEELC 3876 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAPSABET
CIVIL CASE 63 OF 2021
GMA ONGONDO, J
APRIL 7, 2025**

BETWEEN

JOSHUA KIPKEMEI CHUMO 1ST PLAINTIFF

WILSON CHUMO 2ND PLAINTIFF

DAVID CHUMO 3RD PLAINTIFF

AND

JAPHETH KIBIWOTT LELEI DEFENDANT

RULING

1. This ruling is in respect of an application by Ms Luseria instructed by Mr Songol learned counsel for the plaintiff to have an application date 18th February 2025 together with notice of appointment of advocate of even date withdrawn.
2. The basis of the application for the said withdrawal is to pave way for hearing of an application dated 18th March 2025 herein.
3. Ms Jeruto learned counsel for the defendant in the suit/ the plaintiff in the counter claim, has no objection to the withdrawal of the application subject to costs.
4. Mr Kwame instructed by Ms Odeyo learned counsel for the 5th defendant in the counter claim has no objection to the withdrawal, too.
5. In that regard, is the application merited?
6. The application sought to be withdrawn is for substitution of the 4th plaintiff Philip Chumo with Irene Chepkemboi Koskei. The substitution is yet to be done herein.
7. The application for withdrawal is not opposed.



8. This court has the discretion to award costs of the application as per the proviso to section 27 (10) of the *Civil Procedure Act* Chapter 21 Laws of Kenya.
9. It is therefore, the finding of this court that the application for withdrawal is firm and meritorious.
10. Accordingly, the application dated 18th February 2025 is hereby marked as withdrawn with costs in the cause.
11. It is so ordered.

DATED AND DELIVERED AT KAPSABET THIS 7TH DAY OF APRIL 2025

G M A ONGONDO

JUDGE

PRESENT;

Ms Luseria instructed by Mr Songok learned counsel for the plaintiff/applicant

Ms Jeruto learned counsel for the defendant in the suit/plaintiff in the counter claim

Mr Kwame instructed by Odeyo instructed by Ms Odeyo learned counsel for the 5th defendant in the counter claim

Walter Kipkorir, court assistant

