



REPUBLIC OF KENYA



**Amoth & 3 others v Dolu & 4 others (Environment & Land Case
16 of 2021) [2022] KEELC 15622 (KLR) (17 November 2022) (Ruling)**

Neutral citation: [2022] KEELC 15622 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
ENVIRONMENT & LAND CASE 16 OF 2021
GMA ONGONDO, J
NOVEMBER 17, 2022**

BETWEEN

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

AND

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

(FORMERLY MIGORI ELC CASE NO 13 OF 2020)

RULING

1. By a notice of motion dated June 19, 2022, the respondents through M/s Nyangacha and company Advocate are seeking that the originating summons dated February 10, 2020, be struck out with costs.
2. There is no indication that the notice of motion was ever served on the applicant's counsel.
3. Besides, the notice of motion was fixed for hearing today further to the orders of this court made on October 25, 2022.



4. The parties were notified of the hearing of the notice of motion by the Deputy Registrar via email of November 11, 2022 at 10:20 a.m. GMT + 3.
5. The parties are absent. There is no reason for their absence.
6. In the interest of justice as even noted in this court's proceedings of October 25, 2022, the notice of motion is hereby dismissed.
7. Costs in the cause.
8. The Deputy Registrar to notify the parties for directions on February 8, 2023.

DELIVERED, DATED AND SIGNED AT HOMA-BAY THIS 17TH DAY OF NOVEMBER, 2022.

G.M.A ONG'ONDO

JUDGE

Present:

1. No appearance for both parties.
2. Okello, Court Assistant

