



REPUBLIC OF KENYA



**Odoyo v Odote (Environment and Land Miscellaneous Application  
E009 of 2023) [2024] KEELC 5252 (KLR) (10 July 2024) (Ruling)**

Neutral citation: [2024] KEELC 5252 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY  
ENVIRONMENT AND LAND MISCELLANEOUS APPLICATION E009 OF 2023  
GMA ONGONDO, J  
JULY 10, 2024**

**BETWEEN**

**ALPHONSE D ODOYO ..... APPLICANT**

**AND**

**AMON OWINO ODOTE ..... RESPONDENT**

**RULING**

1. The applicant, Alphonse D. Odote through Aluoch Odera & Nyauke Advocates lodged an application by way of an application dated 31<sup>st</sup> October 2023 to be allowed to file an appeal out of time and that the costs of the application be provided for.
2. The application is not opposed by the respondent.
3. Furthermore, Mr. S. Nyauke learned counsel for the applicant has informed the court that the appeal has been duly filed and memorandum of appeal filed and served upon the respondent's counsel. That the application be marked as determined.
4. Mr. Jack Otieno instructed by Quinter Adoyo learned counsel for respondent has confirmed the filing and service of the memorandum of appeal.
5. This court is conscious of sections 75 and 79G of the Civil Procedure Act Chapter 21 Laws of Kenya as regards filing of appeals from subordinate courts.
6. In the circumstances, it is common ground that the appeal has been lodged in accordance with Article 159 (2) (b) of the Constitution of Kenya 2010 which provides;  

Justice shall not be delayed.
7. *A fortiori*, the present application is hereby determined in favour of the applicant regarding filing of appeal out of time with no order as to costs.



8. This file is marked as closed.

9. It is so ordered.

**DATED AND DELIVERED AT HOMA BAY THIS 10<sup>TH</sup> DAY OF JULY 2024.**

**G.M.A ONG'ONDO**

**JUDGE**

Present;

1. Mr. S. Nyauke learned counsel for the applicant.

2. Mr. Jack Otieno instructed by Quinter Adoyo learned counsel for the respondent.

3. Mr. T. Luanga court assistant.

