



**Okello & Rowa & another v K'obil (Environment and Land Appeal
E032 of 2024) [2024] KEELC 5905 (KLR) (17 September 2024) (Ruling)**

Neutral citation: [2024] KEELC 5905 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
ENVIRONMENT AND LAND APPEAL E032 OF 2024
GMA ONGONDO, J
SEPTEMBER 17, 2024**

BETWEEN

DISMAS OKELLO & WILLIAM ROWA 1ST APPELLANT

THOMAS JOSEPH OKELLO & ANOTHER 2ND APPELLANT

AND

HEADMONDS JAMES K'OBIL RESPONDENT

RULING

1. By a Notice of Motion dated 3rd July 2024, the appellants/applicants through Quinter Adoyo and Company Advocates, are seeking the principal order of stay of proceedings in Mbita Principal Magistrate's Court Environment and Land Case No. E002 of 2023 pending the hearing and determination of this appeal.
2. Mr. Jack Otieno instructed by Quinter Adoyo and Company Advocates for the applicant has urged the court to grant the principal order with no order as to costs. That the record of appeal be filed and served within the next 60 days from this date.
3. Mr. Owino learned for the respondent has no opposition to the application having consulted his client to that effect.
4. It is therefore, common baseline that the applicant is entitled to the principal order sought in the application.
5. Accordingly, it is the finding of this court that the principal order is meritorious. The same is hereby allowed with no order as to costs.
6. The applicants counsel to file and serve record of appeal on or before 14th November 2024 for mention.
7. It is so ordered.



RULING DELIVERED, DATED AND SIGNED THIS 17TH DAY OF SEPTEMBER 2024.

G.M.A ONG'ONDO

JUDGE.

Present.

1. Mr. Jack Otieno instructed by Quinter Adoyo Learned Counsel for applicant.
2. Mr. Owino Learned Counsel for the Respondent.
3. T. Luanga, Court Assistant.

