



**Ong’ondo v Ongus (Environment and Land Appeal E007 of 2022)
[2023] KEELC 16090 (KLR) (13 March 2023) (Ruling)**

Neutral citation: [2023] KEELC 16090 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
ENVIRONMENT AND LAND APPEAL E007 OF 2022
GMA ONGONDO, J
MARCH 13, 2023**

BETWEEN

ERICK ODHIAMBO ONG’ONDO APPELLANT

AND

ALOICE OBONGO ONGUS RESPONDENT

*(Being an Appeal from the entire Ruling of Hon. J.S
Wesonga delivered on 17th September, 2021 in Homa-Bay)*

RULING

1. The present ruling is rendered at this stage of the instant appeal before delivery of final judgment (see [Blacks Law Dictionary](#) 10th Edition at page 971) for reasons stated *infra*.
2. The appeal was precipitated by the trial court’s ruling delivered in Homa Bay Chief Magistrate’s Court Civil Case No 44 of 2020 (OS) that affected Homa Bay Chief Magistrate’s Court Civil case number 55 of 2019.
3. The original records of the said two suits are yet to be availed herein for this court to reach a just decision.
4. On February 15, 2023, the court directed the appellant’s counsel to serve the respondent’s counsel. However, the same has not been affected.
5. To meet the ends of justice in this matter, I order and direct thus;
 - a. The Deputy Registrar of this court to call for the original records and or three certified typed copies of proceedings and determination, if any, in Homa Bay Chief Magistrate’s Court Civil Case No 55 of 2019 with due dispatch.
 - b. Judgment is set for March 22, 2023.



c. The appellant's counsel to serve the respondent's counsel accordingly.

6. It is so ordered.

DELIVERED, DATED AND SIGNED AT HOMABAY THIS 13TH DAY OF MARCH 2023

G.M.A ONG'ONDO

JUDGE

1. S. Nyauke, learned counsel for the appellant
2. Mutiva F, Court Assistant.

