



**Obar (Suing as the Personal Representative of the Estate of the Late William Obar Sala -Deceased) v Ongid (Environment and Land Appeal E25 of 2022) [2023] KEELC 16043 (KLR) (8 March 2023) (Ruling)**

Neutral citation: [2023] KEELC 16043 (KLR)

**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY**  
**ENVIRONMENT AND LAND APPEAL E25 OF 2022**  
**GMA ONGONDO, J**  
**MARCH 8, 2023**

**BETWEEN**

**GIDEON MACLEANS OBAR (SUING AS THE PERSONAL REPRESENTATIVE OF THE ESTATE OF THE LATE WILLIAM OBAR SALA - DECEASED) ..... APPELLANT**

**AND**

**KENNEDY ODHIAMBO ONGID ..... RESPONDENT**

*(Being an appeal from the Order of the Honourable SENIOR PRINCIPAL MAGISTRATE HON. B. OMWANSA (Mr.) delivered on the 13TH OF JULY 2022 in OYUGIS Senior Principal Magistrate's Court Environment and Land Case NO. E002 OF 2022)*

**RULING**

1. This appeal was originated by a memorandum of appeal dated July 15, 2022 founded upon grounds set out on its face.
2. Ms Ochieng instructed by Kisaka, learned Counsel for the appellant has informed this court that:  
‘I have instructed to withdraw this appeal and orders as to costs upon agreement between the parties herein’
3. The respondent and his counsel were made aware of this date via email of March 2, 2023 at 10: 54 a.m. They opted not to appear herein, See also *Ogada versus Molin* (2009) KLR 620.
4. The application for withdrawal of the appeal is merited in the circumstances as held in *Nicholas Kiptoo Korir Arap Salat versus IEBC and 7 others* (2014) eKLR.
5. Accordingly, the applicant is allowed and this appeal is marked as withdrawn. The parties to agree on costs of this appeal.



6. It is so ordered.

**DELIVERED, DATED AND SIGNED THIS 8<sup>TH</sup> DAY OF MARCH 2023**

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

**JUDGE**

**PRESENT.**

- a. Ms. Ochieng holding brief for Kisaka, learned counsel for the appellant.
- b. Court assistant, Fiona.

