



Onunda & another v Odhiambo (Being a Legal Representative of the Estate of Joseph Odhiambo Rabita) (Environment and Land Appeal 19 of 2022) [2023] KEELC 15988 (KLR) (7 March 2023) (Ruling)

Neutral citation: [2023] KEELC 15988 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
ENVIRONMENT AND LAND APPEAL 19 OF 2022
GMA ONGONDO, J
MARCH 7, 2023**

BETWEEN

JACOB OLANGO ONUNDA APPELLANT

AND

JAMES OURA OMBOTO APPLICANT

AND

PETER OPIYO ODHIAMBO (BEING A LEGAL REPRESENTATIVE OF THE ESTATE OF JOSEPH ODHIAMBO RABITA) RESPONDENT

RULING

1. The appellant’s Counsel, Aluoch Odera has prayed that this court to allow an application by way of *ex-parte* Notice of Motion dated February 21, 2023 to the effect that this appeal has abated against the first appellant.
2. By the nature of the application, I find the same merited.
3. Accordingly, this appeal is hereby marked as abated against the first appellant.
4. Ordered accordingly.

DELIVERED, DATED AND SIGNED THIS 7TH DAY OF MARCH 2023

G.M.A ONGO’NDO

JUDGE

PRESENT

1. Aluoch Odera, learned Counsel for the appellants.



2. Respondent, in person.

3. Fiona, court assistant.

