



**Okombo v Ajwang (Environment and Land Appeal 12 of 2022)
[2023] KEELC 15825 (KLR) (1 March 2023) (Ruling)**

Neutral citation: [2023] KEELC 15825 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
ENVIRONMENT AND LAND APPEAL 12 OF 2022
GMA ONGONDO, J
MARCH 1, 2023
(FORMERLY MIGORI ELC APPEAL NO 6 OF 2017)**

BETWEEN

JOHN ODERO OKOMBO APPELLANT

AND

SAMSON OOKO AJWANG RESPONDENT

*(Being an appeal from the judgment of the learned
Justice Asike Makhandia J on the 13th July 2010)*

RULING

1. The appellant, John Odero Okombo who appears in person has prayed for withdrawal of this entire appeal on the grounds, *inter alia*:
 - a. It would be difficult to argue the appeal since he is unrepresented.
 - b. He intends to pursue an appeal from this court's ruling rendered on May 31, 2022.
2. Mr Robert Ochieng, learned counsel for the respondent, Samson Ooko Ajwang, has no objection to the application save for costs of the appeal.
3. I bear in mind the character of the appeal and the appellant's application. Further, I am guided by Article 159 (2) (b) and (d) of the [Constitution of Kenya, 2010](#), sections 3 and 19 of the [Environment and Land Court Act 2015](#), (2011) and sections 1A, 1B, 3 and 3A of the [Civil Procedure Act](#) Chapter 21 Laws of Kenya.
4. In the result, the appellant's prayer is merited and this appeal is hereby marked as withdrawn.
5. As regards costs, the same follow the event and within the discretion of the court as per the proviso to section 27 (1) of the [Civil Procedure Act](#) Chapter 21 Laws of Kenya; see also [Rai-vs-Rai](#) (2014) eKLR.



6. In the obtaining circumstances, the appellant shall bear the costs of this appeal.

7. Ordered accordingly.

DATED AND DELIVERED AT HOMA BAY THIS 1ST MARCH 2023

G. M. A ONG'ONDO

JUDGE

PRESENT

- a. Appellant in person.
- b. Mr. Robert Ochieng, learned counsel for the respondent
- c. A. Okello, court assistant.

