



**Adongo v Adongo & another (Miscellaneous Application
E013 of 2022) [2023] KEELC 17824 (KLR) (7 June 2023) (Ruling)**

Neutral citation: [2023] KEELC 17824 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
MISCELLANEOUS APPLICATION E013 OF 2022
GMA ONGONDO, J
JUNE 7, 2023**

BETWEEN

BENSON OTIENO ADONGO APPLICANT

AND

GEORGE ADHA ADONGO 1ST RESPONDENT

PHILIP JUMA AJIJO 2ND RESPONDENT

RULING

1. This ruling is in respect of the twinned matter;
 - a. The respondent’s preliminary objection dated February 13, 2023 on a point of law that the applicant’s counsel is not properly on record for failure to comply with Order 9 Rules 9,10 and 11 of the *Civil Procedure Rules, 2010*.
 - b. The applicant’s notice of Motion dated December 16, 2022 (the application) and the attendant orders.
2. Mr J. Osoro learned counsel has applied that:
 - a. The preliminary objection be marked as abandoned with no orders as to costs.
 - b. The orders of this court issued on March 2, 2023 in respect of the application have lapsed and be vacated.
 - c. Orders of the application be borne by the applicant.
3. Ms Okello holding brief for Owaka learned counsel for the applicant informed the court that this matter has been resolved at family level in the spirit alternative justice system under article 159(2) (c) of the *Constitution of Kenya, 2010*. She confirmed that no appeal has been filed and no security has been deposited in court further to orders of March 2, 2023.



4. Having heard counsel for the respective parties and in view of the record herein, I order and direct thus:
 - a. The preliminary objection is marked as abandoned with no orders as to costs.
 - b. Orders of March 2, 2023 herein lapsed and are vacated accordingly.
 - c. Costs of the application be borne by the applicant.

DELIVERED AND SIGNED AT HOMABAY THIS 7TH DAY OF JUNE 2023.

G.M.A ONG'ONDO

JUDGE

PRESENT.

1. Mr Osoro for both respondents.
2. Ms. Okello holding brief for Owaka for applicant.
3. Court Assistant, Okello.

