



**Nyambok v Ojuka & another (Environment and Land Appeal  
30 of 2022) [2023] KEELC 17749 (KLR) (5 June 2023) (Ruling)**

Neutral citation: [2023] KEELC 17749 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY  
ENVIRONMENT AND LAND APPEAL 30 OF 2022  
GMA ONGONDO, J  
JUNE 5, 2023**

**BETWEEN**

**SAMUEL ODOYO NYAMBOK ..... APPELLANT**

**AND**

**MICAH ONYANGO OJUKA ..... 1<sup>ST</sup> RESPONDENT**

**JACK OTIENO OYIER ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. Mr Omondi Ogwel learned counsel for the appellant informed this court that a record of appeal dated February 15, 2023 has been duly filed and served on the respondents' counsel.
2. Mr B. Mulisa learned counsel for the respondent has raised an objection to the completeness of the record. That the decree and the relevant submissions are not included therein.
3. The appellant's counsel has cited article 159 (2) (d) of the *Constitution* of Kenya, 2010 in reply to the respondent's contention. That the appellant's submissions are found in the trial court's original record availed herein and that the submissions were served in the original suit.
4. Having heard counsel for the respective parties regarding the record of appeal, I note that the decree and the appellant's submissions filed at the trial court are not included in the record.
5. Moreover, being guided by articles 48,50(1) and 159(2)(b) and (d) of the *Constitution* (supra) on the ends of justice, I find the respondent's objection merited.
6. Thus, I hereby order and direct as follows.
  - a. The appellant's counsel to file and serve a supplementary record of appeal together with submissions within 14 days from this date.



- b. The respondents' counsel to file and serve submissions within 14 days from the date of service of the appellant's submissions.
- c. This appeal be heard by written submissions accordingly.
- d. Highlighting of submissions on September 26, 2023.

**DELIVERED, DATED AND SIGNED AT HOMABAY THIS 5<sup>TH</sup> DAY OF JUNE 2023.**

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

**JUDGE**

**PRESENT**

1. Mr. Omondi Ogwel learned counsel for appellant.
2. Mr. B. Mulisa holding brief for Mimba learned counsel for the respondent.

