



**Jomo v Lwande (Environment and Land Appeal E022 of 2022)
[2023] KEELC 20360 (KLR) (3 October 2023) (Ruling)**

Neutral citation: [2023] KEELC 20360 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
ENVIRONMENT AND LAND APPEAL E022 OF 2022
GMA ONGONDO, J
OCTOBER 3, 2023**

BETWEEN

KEVIN ODHIAMBO JOMO APPELLANT

AND

PERES AWUOR LWANDE RESPONDENT

RULING

1. The Present appeal was generated by the appellant through Aluoch Odera and Nyauke Advocates by a memorandum of appeal dated June 27th, 2022 on the ground;
 - a. The Learned Magistrate erred in laws in failing to review part its judgment in terms of costs while there was an outright error apparent on the face of record.
2. Wherefore, the appellant is seeking that;
 - a. The Honourable Court be pleased to quash and or set aside the decision of the Subordinate Court in terms of award for costs and instead make an order for costs payable by the Respondent to the Appellant both in the Subordinate Court and the High Court.
3. By a notice of withdrawal of appeal dated February 20th, 2023 filed on February 21st, 2023, the appellant states that he:

“wishes to withdraw this appeal with no orders as to costs and this matter marked closed”
4. Mr Nyakwamba holding brief for Odera learned counsel for the appellant has urged this court to allow the notice of withdrawal.
5. In the circumstances, the said notice is meritorious.
6. So, the instant appeal is hereby withdrawn with no orders as to costs.



7. It is so ordered.

DELIVERED AND DATED AT HOMABAY THIS 3RD DAY OF OCTOBER 2023.

G.M.A ONG'ONDO

JUDGE

Present:

1. Mr. Nyakwamba holding brief for Mr. Odera for appellant.
2. Court Assistant, Terence.

