



REPUBLIC OF KENYA



Lumumba v Oyungu; Ombeva (Applicant) (Environment & Land Case 768 of 2018) [2023] KEELC 21180 (KLR) (1 November 2023) (Ruling)

Neutral citation: [2023] KEELC 21180 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT BUSIA
ENVIRONMENT & LAND CASE 768 OF 2018**

BN OLAO, J

NOVEMBER 1, 2023

BETWEEN

PATRICK LAWRENCE OBWAKA LUMUMBA PLAINTIFF

AND

JACOB DADO OYUNGU DEFENDANT

AND

ROSE KASAYA OMBEVA APPLICANT

RULING

1. The Applicant herein Rose Kasaya Ombeva has approached this Court vide her ruling dated 12th November 2023. The same is premised under the provisions of Article 50 and 159(2) (d) of the Constitution as well as Sections 1, 1A, 3A and 3B of the Civil Procedure Act. It seeks the following substantive order:
 1. The Applicant be substituted with Jacob Dado Oyugi her deceased husband.
 2. Since it is Jacob Dado Oyugi who is deceased, it is the Applicant who can substitute him and not the other way round.
 3. The Notice of Motion dated 12th October 2023 is incompetent. It is hereby struck out with no orders as to costs.

BOAZ N. OLAO

JUDGE

RULING DATED, SIGNED AND DELIVERED IN OPEN COURT ON THIS 1ST DAY OF NOVEMBER 2023.

