



**Onyango v Attorney General for and on behalf DO Upper Nyakach Division & 3 others  
(Miscellaneous Civil Application 95 of 2003) [2024] KEHC 6687 (KLR) (3 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 6687 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CIVIL APPLICATION 95 OF 2003  
RE ABURILI, J  
JUNE 3, 2024**

**BETWEEN**

**JOSEPH ODONGO ONYANGO ..... APPLICANT**

**AND**

**ATTORNEY GENERAL FOR AND ON BEHALF DO UPPER NYAKACH  
DIVISION ..... 1<sup>ST</sup> RESPONDENT  
MARITHA OYUGI OKELLO ..... 2<sup>ND</sup> RESPONDENT  
WILLIAM LANGO OKELLO ..... 3<sup>RD</sup> RESPONDENT  
MARIA AMOLO OTIENDE ..... 4<sup>TH</sup> RESPONDENT**

**RULING**

1. This matter was filed on 28<sup>th</sup> April 2003. The Applicant sought for leave of court to apply for Judicial Review orders of Certiorari and Mandamus in a matter involving a dispute over land parcels Nos. 1941, 1942, 1944 Koguta.
2. The application was dismissed with costs on 17<sup>th</sup> June 2003 by Tanui J for non-attendance to prosecute.
3. The file however remained open.
4. On 13<sup>th</sup> May 2004, the matter was stood over by the Deputy Registrar on costs to be taxed.
5. Since it is now over 20 years past the last order, this suit is now stale by operation of the law. Those costs cannot be recovered owing to the statute of limitations.
6. The file is hereby closed for archiving.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 3<sup>RD</sup> DAY OF JUNE, 2024**

**R. E. ABURILI**



**JUDGE**

