



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT NAIROBI

ELC APPEAL NO. E036 OF 2020

MONICA AUMA ODENY.....1ST APPELLANT

NIDAH OPIYO O. DULLAH.....2ND APPELLANT

VERSUS

ABDIRAZAK HILLOW IBRAHIM.....1ST RESPONDENT

MOHAMMED ISSACK ALLI.....2ND RESPONDENT

NATIONAL SOCIAL SECURITY FUND.....3RD RESPONDENT

RULING

1. The 2nd Respondent herein filed a Preliminary Objection dated 27th October 2020. On the 8th April 2021, the court directed that the Preliminary Objection be heard first. It also directed that the parties do file and exchange written submissions. The matter came up on 22nd June 2021 to confirm filing of submissions.
2. On the 22nd June 2021 Mr. Ondabu confirmed that he had filed submissions on behalf the 2nd Respondent and sought a date for ruling.
3. As I prepared to write the ruling I went through the court record and noted that there was a notice of withdrawal of appeal dated 18th April 2021 by the Appellants. The notice sought to withdraw the Appeal in its entirety.
4. In the circumstances, I find no reason to write a ruling in respect of the Preliminary Objection. Instead I allow the withdrawal of the Appeal with costs of the 2nd Respondent.

It is so ordered.

Dated, signed and delivered in Nairobi on this 28th day of October 2021.

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L. KOMINGOI

JUDGE

In the presence of:-

No appearance for the Applicants

No appearance for the Respondents

Steve - Court Assistant