



Ogol v Ndeda & another (Suing as the administrators of the Estate of Tom Austin Ndeda - Deceased) (Civil Appeal E049 of 2022) [2023] KEHC 796 (KLR) (9 February 2023) (Ruling)

Neutral citation: [2023] KEHC 796 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
CIVIL APPEAL E049 OF 2022
RE ABURILI, J
FEBRUARY 9, 2023**

BETWEEN

VICTOR JUMA OGOL APPELLANT

AND

MORIS OCHIENG NDEDA 1ST RESPONDENT

JACINTER OTIENO OCHIENG 2ND RESPONDENT

**SUING AS THE ADMINISTRATORS OF THE ESTATE OF TOM AUSTIN
NDEDA - DECEASED**

*(Being an Appeal from the Judgment/decree of Honourable S.W. Mathenge
(SRM) dated and delivered on 28/9/2022 in Bondo PMCC No. 94 of 2020)*

RULING

1. This appeal was filed on October 18, 2022.
2. The lower court file has been called for but is yet to be availed to this court for admission of the appeal. The appellant's counsel has on February 9, 2023, *vide* a notice of withdrawal of appeal dated November 28, 2022, sought to have the appeal withdrawn with no orders as to costs.
3. Upon perusal of the notice of withdrawal of appeal dated November 28, 2022, I hereby order that this appeal as filed on October 18, 2022 be and is hereby marked as wholly withdrawn with no orders as to costs.
4. This file is effectively closed.
5. I so order

DATED, SIGNED AND DELIVERED AT SIAYA THIS 9TH DAY OF FEBRUARY, 2023



R.E. ABURILI
JUDGE

