



Otieno v Oluoch (Civil Appeal E014 of 2020) [2023] KEHC 20605 (KLR) (21 July 2023) (Ruling)

Neutral citation: [2023] KEHC 20605 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAKAMEGA
CIVIL APPEAL E014 OF 2020**

WM MUSYOKA, J

JULY 21, 2023

BETWEEN

GEORGE JOSEPH OTIENO APPELLANT

AND

BEN OLUOCH RESPONDENT

(Appeal from judgment and decree of Hon. F. Makoyo, Senior Principal Magistrate, SPM, in Butere SRMCCC No. 284 of 2018, of 8th June 2013)

RULING

1. The appeal herein was withdrawn on January 19, 2023, before Wananda J.
2. Wananda J had it fixed for February 9, 2023, for the respondent to state his position on costs. The respondent did not attend court on February 9, 2023.
3. My perusal of the record reveals that the respondent has never attended the appellate court, and has never filed documents herein. That means he has not participated in this matter, to warrant costs being awarded in his favour.
4. Consequently, I shall order, as I hereby do, that there shall be no costs, and that the court file hereafter be closed.

**DELIVERED, DATED AND SIGNED IN OPEN COURT AT KAKAMEGA THIS.....
21ST.....DAY OF.....JULY.....2023**

W MUSYOKA

JUDGE

Mr. Erick Zalo, Court Assistant.

Appearances



Ms. Anono, instructed By Mukisu & Associates, Advocates for the Appellant.

