



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT HOMA- BAY

ELC No. 3 OF 2021

(Formerly Migori Misc. ELC NO. 2/2020)

CHARLES MOKAYA MIRORO.....PLAINTIFF

VERSUS

GEORGE NYAMWEYA ORANGI & ANOTHER.....RESPONDENTS

RULING

1. The applicant, Charles Mokaya Miroro through M/s J.M Nyagwencha and company advocates originated a Notice of Motion dated 12th February 2020, seeking leave to file appeal out of time against the Judgement of the Principal Magistrate in Oyugis Senior Principal Magistrate's Court Environment and land case No 12 of 2018.

2. I note the application (the Notice of Motion) in its entirety.

3. There is no indication that the Notice of Motion was served inspite of this court's orders of 13th February, 2020.

4. The Notice of Motion has not been argued as ordered by court. The parties were duly served by the Deputy Registrar through, inter alia, email; jmnadvocate@gmail.com, sagwesamson@yahoo.com.

5. The parties were duly notified and are absent. They opted not to appear herein and canvass the Notice Motion, **See Ogada-versus Mollin (2009) eKLR 620.**

6. Thus, it is the finding of this court that the Notice Motion is unmerited. I proceed to dismiss the Notice of Motion dated 12th February 2020.

7. There shall be no orders as to costs of the Notice of Motion.

DATED AND DELIVERED AT HOMA BAY THIS 9TH DECEMBER, 2021

G.M.A ONG'ONDO

JUDGE

Present;

a) Okello, court assistant

b) Applicant and Respondent - Absent

G.M.A ONG'ONDO

JUDGE