



REPUBLIC OF KENYA
ENVIRONMENT AND LAND COURT AT MIGORI
ELC CASE NO. 330 OF 2017

JOHN PETER ISOE.....PLAINTIFF

VERSUS

SAMWEL OMBASO..... DEFENDANT

RULING

1. The plaintiff who is represented by learned counsel Edward Kisia filed this suit by way of a plaint dated 11/4/2017 against the defendant. He seeks vacant possession of land parcel **NO. BUKIRA/BURIMONONO/659**, mesne profit and costs of the suit.
2. On his statement of defence dated 13/7/2017, the defendant who is represented by learned counsel R. Abisai, denied the plaintiff's claim. He stated that the suit disclosed no reasonable cause of action and intended to apply for it to be struck out.
3. I have noted the entire plaint and the entire defence together with the prayer to have the suit withdrawn with an order that costs shall be borne by the plaintiff.
4. Learned counsel for the respective have informed the court that the parties have resolved the matter and that the suit be withdrawn with costs to the plaintiff.
5. I find the request to have the suit withdrawn in conformity with Order 25 Civil Procedure Rules, 2010 and Article 159 (2) (c) of the Constitution of Kenya, 2010 and the case of Council of Governors Vs. Senate & Anor (2014) KLR- SCK.
6. I accordingly allow the request for the withdrawal of the suit. It is marked as withdrawn.
7. Costs of the suit shall be borne by the plaintiff.

G.M.A. ONGONDO

JUDGE

DELIVERED, SIGNED and DATED in open court at MIGORI this 29th day of January 2018.

G. M. A. ONGONDO

JUDGE

In the presence of:

Mr. Kisia counsel for the plaintiff

Mr. Abisai counsel for the defendant

Tom Maurice -Court assistant

G. M. A. ONGONDO

JUDGE