



**REPUBLIC OF KENYA**

**ENVIRONMENT AND LAND COURT AT MIGORI**

**CASE NO. 891 OF 2017**

**BETWEEN**

**GEORGE LOCH MBUYA OGOLA.....APPLICANT**

**VERSUS**

**FLORENCE MUGUNGA OKEA.....1<sup>ST</sup> RESPONDENT**

**HASSAN ABDI HERSI & OTHERS.....2<sup>ND</sup> RESPONDENT**

**RULING**

1. This application undated and unsigned by the Applicant namely George Loch Mbuya Ogola was filed on 22/12/2017 under certificate of Agency (I think he meant urgency). It seeks execution of the decree in Court of Appeal at Kisumu **Civil Appeal No. 199 of 2001**. The application is accompanied with documents marked L1 to L10.

2. I note that the application is yet to be served on the respondents.

3. The Applicant who appears in person has sought to withdraw the application with no orders as to costs. He has given reasons that it concerns Kisumu Court of Appeal Civil Appeal No. 199 of 2001 and that he was misled to file this application.

4. I am guided by **Article 159 (2) (a) and (d) of the Constitution of Kenya 2010**. I am aware of Order **25 Civil Procedure Rule, 2010** on withdrawal; discontinuation and adjustment of suits.

5. In **Council of Governors -vs- Senate and Anor (2014) eKLR** (SCK), it was observed that the law allows a party to withdraw a matter and it is in consonant with **Article 159 of the Constitution of Kenya 2010**.

6. I find no reason of barring the applicant from withdrawing his application. He has given valid reasons thereof.

7. I accordingly allow the application to withdraw application with no orders as to costs.

**DELIVERED, SIGNED and DATED in open court at MIGORI this 18th day of JANUARY 2018.**

**G. M. A. ONGONDO**

**JUDGE**

**In the presence of:**

The applicant, George Loch Mbuya Ogola

Mr. Tom Otieno-Court assistant

**G. M. A. ONGONDO**

**JUDGE**