



Otieno (Suing as administrator of the Estate of the Late Meshack Otieno Ariya - Deceased) v Yoya; Onyango (Applicant) (Suing as the administrator of the Estate of Walter Onyango - Deceased) (Environment & Land Case 29 of 2021) [2024] KEELC 168 (KLR) (22 January 2024) (Ruling)

Neutral citation: [2024] KEELC 168 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
ENVIRONMENT & LAND CASE 29 OF 2021
GMA ONGONDO, J
JANUARY 22, 2024**

BETWEEN

**MESHACK TAMBO OTIENO PLAINTIFF
SUING AS ADMINISTRATOR OF THE ESTATE OF THE LATE MESHACK
OTIENO ARIYA - DECEASED**

AND

WALTER ONYANGO YOYA DEFENDANT

AND

**ERICK GEORGE OMONDI ONYANGO APPLICANT
SUING AS THE ADMINISTRATOR OF THE ESTATE OF WALTER ONYANGO
- DECEASED**

RULING

1. By a Notice of Motion dated 14th November 2023, the applicant through M/S Ochwangi & Company Advocates has sought the orders infra;
 - a. The Honourable court be pleased to grant leave and/or liberty to the applicant herein to be substituted as the defendant herein in lieu of Walter Onyango Yoya (now deceased)
 - b. Consequent to prayer (20 herein above being granted, the applicant be deemed as the defendant, suing for and on behalf of the estate of the deceased person herein.
 - c. Costs of the application do abide the cause.
2. Ms. Nyaenya instructed by Mr. Ochwangi learned counsel for the respondent has informed the court that the application is unopposed. Thus, she has implored the court to allow the same.



3. Ms Aluoch Odera learned counsel for the plaintiff/respondent has no objection to the application.
4. In circumstances, I find the application unopposed and merited.
5. A fortiori, the application is allowed in terms of orders (a) (b) and (c) as stated in paragraph 1 therein-above.
6. Cost of the application be in the cause.
7. It is so ordered.

DELIVERED, DATED AND SIGNED AT HOMA BAY THIS 22ND JANUARY 2024

G. M.A ONGONDO

JUDGE

PRESENT

1. Ms. Aluoch Odera, learned counsel for the plaintiff
2. Ms. Nyaenya instructed by Mr. Ochwangi, learned counsel for the applicant
3. Luanga, Court Assistant

