

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MIGORI

ELCC APPEAL NO. 33 OF 2017

(Formerly KISII ELCC No. 620 OF 2016)

PETER OBONYO OMOLLO.....PLAINTIFF/APPLICANT

VERSUS

CRISPIN LUMUMBA MWAI.....DEFENDANT/RESPONDENT

AND

ALPHONCE ATIENO OMOLLO.....INTENDED INTERESTED PARTY/APPLICANT

RULING

1. A Notice of Motion dated **20//2/2017** by the Defendant and Intended Interested Party was brought under order 1 Rule 10 (I) and(2) order 51 Rules 1 and 3 Civil Procedure Rules, 55 1A, 3A Civil Procedure Act and filed on **21/2/2012** by their counsel, Mose Nyambega and Company Advocates. It seeks to enjoin the applicant and interested party herein a party to this suit.
2. The Plaintiff /Respondent counsel C.A. Okenye was duly served as per affidavit of service sworn on 27/2/2017. The Plaintiff/Respondent and counsel are absent without reason.
3. The application is unopposed and merited. I allow it with costs in the cause.

GEORGE M. A. ONGONDO

JUDGE

DELIVERED, SIGNED and DATED in open court at MIGORI this 7th day of March, 2017.

In the presence of :-

The defendant

Mr. Kisia holding brief for Mose Nyambega for the Defendant and intended interested party