



**REPUBLIC OF KENYA**

**ENVIRONMENT AND LAND COURT AT KISII**

**CASE NO. 517 OF 2015**

**TRUPHENA NYABOKE MANYANGE .....PLAINTIFF**

**VERSUS**

**KEREMENSIA MORAA & ANOTHER .....DEFENDANTS**

**R U L I N G**

1. Mr. J. Abobo counsel for the plaintiff has applied to this court to have the suit withdrawn with no order as to costs. He has given the following reasons:

- a) The plaintiff has obtained title deed to the suit land.**
- b) The plaintiff and the defendants are related.**
- c) The parties have settled the dispute.**

2. The suit property is land parcel No. **Nyaribari Chache/Boburia/2390**. The orders sought are eviction of the defendant and costs of the suit.

3. The defendants were duly notified by hearing notice dated 4<sup>th</sup> April 2017. They are all absent without reason.

4. I have noted the application for withdrawal. It is in line with **Section 25(1) and (2) of the Civil Procedure Act (Cap 21 Laws of Kenya)** on withdrawal and discontinuation of suits. I am conscious of **Articles 60 (1) (g) and 159 (2) (b) and (c) of the Constitution of Kenya, 2010** regarding withdrawal of suits after resolution of disputes through Alternative Dispute Resolution form. In **Council of Governors –vs- Senate and Another [2014] eKLR**, it was observed that such applications be allowed at the discretion of the court.

5. The application by the plaintiff's counsel is merited. I allow it accordingly. No order as to costs.

**G. M. A. ONGONDO**

**JUDGE - MIGORI**

**(SITTING AT KISII ELC SERVICE WEEK)**

**Ruling delivered, signed and dated in open court at Kisii this 24<sup>th</sup> day of May, 2017.**

**G. M. A. ONGONDO**

**JUDGE - MIGORI**

**(SITTING AT KISII ELC SERVICE WEEK)**

**In the presence of:**

Mr. Abobo for the plaintiff

N/A for the defendant

Ruth, court assistant