REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MIGORI

ENVIRONMENT AND LAND COURT

ELC CASE NO. 525 OF 2017

(Formerly KISII ELC NO. 303 OF 2010)

JOSHUA JAOKO OKETCH…….....PLAINTIFF

-versus-

ERASTUS OPIYO OTIENO……DEFENDANT

RULING

1. Notice of Motion dated 27/3/2017 is for hearing today. It is brought under **Section 1A 1B 3A 63(E) of the Civil Procedure Act, Order 1 Rule 10, Order 24 Rule 1 of the Civil Procedure Rules 2010**.

2. The Applicant seeks substitution of the defendant, **JOSHUA JAOKO OKETCH** with **GAD OMONDI OPIYO**. He also seeks the cost of the application be in the cause.

3. The Plaintiff was duly served as per affidavit of service sworn on 9/11/2011. There is no response to the Notice of Motion by plaintiff/applicant.

4. I accordingly allow the Notice of Motion dated 27/3/17 costs be in the cause.

5. The Defendants counsel to file an amended defence and serve within 30 days from the date hereof.

6. Mention on 15/2/2018 for directions.

DELIVERED, DATED and **SIGNED** at **MIGORI this 9th day of November 2017.**

G. ONGONDO

JUDGE

In presence of :-

Mr. Nyambati for the Defendant

Tom Maurice – Court Assistant.