



**REPUBLIC OF KENYA**

**ENVIRONMENT AND LAND COURT AT MIGORI**

**MISC CIVIL APPEAL CASE NO. 23 OF 2017**

**STELLA INGASIA.....APPLICANT**

**VERSUS**

**SAMWEL AMBASA.....1<sup>ST</sup> RESPONDENT**

**CHARLES AMBASA.....2<sup>ND</sup> RESPONDENT**

**NEBART AMBASA.....3<sup>RD</sup> RESPONDENT**

**SELLA AMBASA.....4<sup>TH</sup> RESPONDENT**

**RULING**

1. By a Notice of Motion dated 23/3/17 the Applicant represented by Muniko Robi Advocate sought for the transfer of Kehancha PMCC No. 12 of 2015 to this court and that costs be in the cause thereof.
2. The matter is for mention today.
3. Mr. Robi counsel for the applicant and in the absence of Mr. Kanyangi counsel for Respondent have asked the court to have the application withdrawn with no costs.
4. I find the prayers in order in view of Court of Appeal Civil Appeal No. 287/2016 and **Article 159 (2) (b) and (d) Constitution, 2010.**
5. I accordingly allow the withdrawal with no order as to costs.

**G. M. A. ONGONDO**

**JUDGE**

**DELIVERED, SIGNED and DATED** in open court at MIGORI this **6<sup>th</sup>** day of **December 2017.**

**G. M. A. ONGONDO**

**JUDGE**

**In the presence of:**

Mr. Muniko Robi counsel for the Applicant

Josephine Lori –Court Assistant