



REPUBLIC OF KENYA
ENVIRONMENT AND LAND COURT

AT MIGORI

MISC CIVIL APPEAL CASE NO. 274 OF 2017

WILLIAM OUKO OGOLA.....APPLICANT

VERSUS

TOBIAS OINGA.....RESPONDENT

RULING

1. This suit was filed by the plaintiff through Nyagesoa and Co. Advocates. The plaintiff is seeking the following orders;-

- a) **An order of permanent injunction restraining the defendant either by himself, agent, servants and/or anyone claiming under the Defendant from entering upon and /or interfering with and/or in any manner dealing with PLOT NO. 62”A”.**
- b) **An order directing the Defendant to return the confiscated items and/or properties to the plaintiff.**
- c) **General damages**
- d) **Costs of this suit be borne by the Defendant.**
- e) **Any other relief that this Honourable court may deem fit and just to grant in the circumstances.**

2. An application by way of Notice of Motion dated 13/3/2017 by the Plaintiff /Applicant seeks interim orders against the defendant/respondent.

3. Mr. Nyagesoa for the Plaintiff/Applicant has sought to have the matter withdrawn with no orders as to costs.

4. Mr. Kwanga Mboya for the Defendant/Respondent has no objection to it. He leaves the issue of costs to the court.

5. I rely on the application to withdraw suit. **Article 159 (2) (b) Constitution 2010** on expeditious disposal of cases, the provision to **Section 27 Civil Procedure Act Cap 21** and discretion of this court to award costs.

6. I allow the withdraw and order that each party bears own costs the interest of justice.

G. M. A. ONGONDO

JUDGE

DELIVERED, SIGNED and DATED in open court at MIGORI this **4th** day of **December 2017**.

G. M. A. ONGONDO

JUDGE

In the presence of;

Mr. Nyagesoa counsel for Plaintiff

Mr Kwanga Mboya counsel for the Defendant

Josephine Lori –Court Assistant

G. M. A. ONGONDO

JUDGE