



Opado (Suing as the Legal Representative of the Estate of Joel Abuodha-Deceased) v Ongong'a & 9 others (Sued as the Administrator of the Estate of Tom Ong'ong'a Warindu-Deceased); Advocates (Applicant) (Environment & Land Case 24 of 2021) [2024] KEELC 5681 (KLR) (25 July 2024) (Ruling)

Neutral citation: [2024] KEELC 5681 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
ENVIRONMENT & LAND CASE 24 OF 2021**

GMA ONGONDO, J

JULY 25, 2024

BETWEEN

**MOSES OCHIENG OPADO PLAINTIFF
SUING AS THE LEGAL REPRESENTATIVE OF THE ESTATE OF JOEL
ABUODHA-DECEASED**

AND

**VINCENT WARINDU ONGONG'A & 9 OTHERS DEFENDANT
SUED AS THE ADMINISTRATOR OF THE ESTATE OF TOM ONG'ONG'A
WARINDU-DECEASES**

AND

THE FIRM OF KISAKA AND ASOCIATES ADVOCATES APPLICANT

RULING

1. By a Notice of Motion dated June 24, 2024, the applicant has prayed for leave to cease acting for the 8th defendant, Penina Odero and the costs of the application be in the cause.
2. The applicant's complaint is that the 8th defendant has not properly given instructions to the applicant to continue acting for her herein.
3. The 8th defendant duly served, is absent.
4. Further, the applicant has informed the court that the 8th defendant has instructed Ochilo and Co Advocates to act for her in this suit.
5. In the premises, the application is unopposed and merited.



6. The upshot is that the application is hereby allowed in terms of leave granted to the applicant to cease acting for the 8th defendant as sought therein.
7. Costs of the application be in the cause.
8. Further hearing of the suit fixed for 14th October 2024 and PW1, PW2, PW3 and PW4 be recalled for cross examination.

Orders accordingly

DATED AND DELIVERED AT HOMA BAY THIS 25TH DAY OF JULY 2024

GEORGE M. A ONGONDO

JUDGE

Present;

Mr. B. Mulisa learned counsel for the plaintiff

Ms. H.Kisaka learned counsel for the 4th defendant

Ms. Ombaka learned counsel for the 5th defendant 6th defendant-in person

Ms. Sarah Juma for the 9th and 10th defendants

