



Mosenda & another v Masana & another (Environment and Land Miscellaneous Case E006 of 2024) [2024] KEELC 14213 (KLR) (24 July 2024) (Ruling)

Neutral citation: [2024] KEELC 14213 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MIGORI
ENVIRONMENT AND LAND MISCELLANEOUS CASE E006 OF 2024
GMA ONGONDO, J
JULY 24, 2024**

BETWEEN

PATRICK MOSENDA 1ST APPLICANT

THOMAS NYAMOHANGA 2ND APPLICANT

AND

JOHN MOGESI MASANA 1ST RESPONDENT

JOHN KIMUNE MASANA 2ND RESPONDENT

RULING

1. This ruling is in respect of an application by way of a Notice of Motion dated 3rd May 2024 by the two applicants through Mwita Kerario and Company Advocates to the effect that leave be granted to them to lodge an appeal against the judgment and decree of Honourable M.O OBIERO on 2nd March 2024 in Kehancha SPM Environment & Land case NO. E014 OF 2022 and the costs of the application be provided for.
2. The application was duly served on the two respondents as disclosed in the affidavit of service sworn on 10th July 2024 herein.
3. So, the respondents were made aware of the existence of the application and opted not to respond to the same; see also *Ogada v Mollin* (2009) KLR 620.
4. It is therefore, the considered view of this court that the application is firm and merited.
5. Thus, the application is hereby allowed in terms of leave to file an appeal out of time as stated in paragraph 1 hereinabove with no orders as to costs.
6. It is so ordered.

DATED AND DELIVERED AT HOMA BAY THIS 24TH DAY OF JULY 2024.



G M A ONGONDO

JUDGE

Present

Mwita Kerario Learned Counsel For The Applicants

Tom Maurice Court Assistant

