



**Ngong & another v Mwalo (Being Sued as the Legal Representative of the Estate of Mariko Mwalo Odero - Deceased) & another (Environment & Land Case E002 of 2023) [2024] KEELC 5565 (KLR) (23 July 2024) (Ruling)**

Neutral citation: [2024] KEELC 5565 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY  
ENVIRONMENT & LAND CASE E002 OF 2023**

**GMA ONGONDO, J  
JULY 23, 2024**

**BETWEEN**

**JOHN OKELLO NGONG ..... APPLICANT**

**AND**

**JOYCE AUMA OGOLA (SUING AS THE LEGAL REPRESENTATIVE OF THE ESTATE OF JOHN OKELLO NGONG - DECEASED) ... PROPOSED APPLICANT**

**AND**

**ADHIAMBO MWALO (BEING SUED AS THE LEGAL REPRESENTATIVE OF THE ESTATE OF MARIKO MWALO ODERO - DECEASED). 1<sup>ST</sup> RESPONDENT**

**ERICK ODHIAMBO ABANG'A ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. By a Notice of Motion application dated 11<sup>th</sup> June 2024, the firm of H Obach & Partners Advocates for the proposed applicant is seeking orders that the said applicant to substitute the applicant, leave to amend the originating summons in consonance with the aforesaid application and costs be in the cause.
2. The application duly served, has not been responded to date.
3. So, Ms B Ochieng learned counsel instructed by H. Obach and Partners Advocates, has urged the court to allow the application.
4. Having considered the entire application inclusive of the affidavit in support of it and a Limited grant of letters of Administration (HO-1) annexed to the affidavit coupled with the ends of justice which is the ultimate goal of this court, I find the application meritorious.



5. In the result, the application is allowed in terms of the 1<sup>st</sup> 2<sup>nd</sup> and 3<sup>rd</sup> prayers for the substitution of the applicant, amendment of the originating summons and costs of the same be in the cause respectively as stated in paragraph 1 hereinabove.
6. The amended originating summons be filed and served within the next fourteen days from this date and any reply thereto be filed and served within fourteen days from the date of service of the amended originating summons.
7. Hearing of the suit is fixed for 15<sup>th</sup> October 2024.
8. It is so ordered

**DATED AND DELIVERED VIRTUALLY AT HOMA BAY THIS 23<sup>RD</sup> DAY OF JULY 2024**

**GEORGE M A ONGONDO**

**JUDGE**

Present;

1. Ms B. Ochieng learned counsel for the proposed applicant
2. Mr T. Luanga court assistant

