



REPUBLIC OF KENYA



**Sege v Ochola (Land Case Appeal E018 of 2024)  
[2024] KEELC 5913 (KLR) (18 September 2024) (Ruling)**

Neutral citation: [2024] KEELC 5913 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY  
LAND CASE APPEAL E018 OF 2024  
GMA ONGONDO, J  
SEPTEMBER 18, 2024**

**BETWEEN**

**JACKTON ONYANGO SEGE ..... APPELLANT**

**AND**

**JOHN OGWENO OCHOLA ..... RESPONDENT**

**RULING**

1. By a Notice of Motion dated 22<sup>nd</sup> April 2024, the appellant/applicant through H.O Mimba and Company Advocates, is seeking the principal order of stay of execution of judgement and decree in Homa-Bay Chief Magistrate’s Court Environment and Land Case No. E008 of 2023 pending the hearing and determination of this appeal.
2. Mr. Robert Ochieng learned counsel for the respondent has no opposition to the principal order sought in the application.
3. In that regard, it is common ground that the applicant has the right of appeal and deserves principal order sought in the application. In Butt-versus Rent Restriction Tribunal (1979) eKLR, the Court of Appeal noted:  

“..... The appellant has an undoubted right of appeal...”.
4. Afortiori, it is the finding of this court that the principal order is merited. The same is hereby allowed with costs to abide the outcome of this appeal.
5. The applicants counsel to file and serve record of appeal within the next forty-five days from this date.
6. Mention of the appeal on 14<sup>th</sup> November 2024.
7. It is so ordered.



**DELIVERED, DATED AND SIGNED THIS 18<sup>TH</sup> DAY OF SEPTEMBER 2024.**

**G.M.A ONG'ONDO**

**JUDGE**

**Present**

1. Mr. Robert Ochieng, Learned Counsel for the Respondent.
- 2.T. Luanga, Court Assistant.

