



REPUBLIC OF KENYA



**KENYA LAW**  
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**Onunda & another v Rabita; Rabita (Substitute) (Environment and Land Appeal 19 of 2022) [2023] KEELC 891 (KLR) (18 January 2023) (Ruling)**

Neutral citation: [2023] KEELC 891 (KLR)

**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY**  
**ENVIRONMENT AND LAND APPEAL 19 OF 2022**  
**GMA ONGONDO, J**  
**JANUARY 18, 2023**

**BETWEEN**

**JACOB OLANGO ONUNDA ..... 1<sup>ST</sup> APPELLANT**

**JAMES OURA OMBUTO ..... 2<sup>ND</sup> APPELLANT**

**AND**

**JOSEPH ODHIAMBO RABITA ..... RESPONDENT**

**AND**

**RUSSALIA RABITA ..... SUBSTITUTE**

**RULING**

1. Upon hearing counsel for respective parties in respect of Notice of Motion dated July 16, 2022, prayers 4 and 5 for transfer of this matter and substitution of the respondent respectively therein, are marked as abandoned.
2. Prayers 2 of the Notice of Motion for extension of time, is allowed accordingly in order to meet the ends of justice pursuant to section 3 of the *Environment and Land Court Act (2015), (2011)* and sections 3 and 3A of the *Civil Procedure Act* Chapter 21 Laws of Kenya; see also *Nicholas Kiptoo Korir Salat v IEBC and 7 others* (2017) eKLR.
3. The Appellant's counsel is hereby given 14 days from this date to file and serve an application for substitution of the respondent since prayer 2 of the Notice of Motion has been allowed.
4. Mention on February 21, 2023.

**DATED AND DELIVERED AT HOMABAY THIS 18<sup>TH</sup> DAY OF JANUARY 2023.**

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



## **JUDGE**

### **In the presence of:**

1. M. Odera, learned counsel for plaintiff.
2. Ms Ochieng, holding brief for G.S Okoth learned counsel for the respondent.
3. Okello, Court Assistant.

