



Nyanjwa (Suing as the Legal representative of Nyanjwa Oima) v Aseto (Being sued as the legal representative of Kola Nyakinda) (Environment & Land Case E002 of 2022) [2023] KEELC 15929 (KLR) (23 February 2023) (Ruling)

Neutral citation: [2023] KEELC 15929 (KLR)

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY

ENVIRONMENT & LAND CASE E002 OF 2022

GMA ONGONDO, J

FEBRUARY 23, 2023

IN THE MATTER OF SECTION 38 OF THE LIMITATION OF ACTIONS ACT

AND

IN THE MATTER OF LAND ACT (NO. 6 OF 2012)

AND

IN THE MATTER OF THE LAND REGISTRATION ACT

AND

IN THE MATTER OF TITLE NUMBER LR. KARACHUONYO/KAMENYA/1498 BEING A SUBDIVISION OF THE ORIGINAL TITLE NUMBER LR. KARACHUONYO/KAMENYA/744

BETWEEN

STEPHEN OLOO NYANJWA (SUING AS THE LEGAL REPRESENTATIVE OF NYANJWA OIMA) APPLICANT

AND

MONICAH KOLA ASETO (BEING SUED AS THE LEGAL REPRESENTATIVE OF KOLA NYAKINDA) RESPONDENT

RULING

1. Mr. Ojala instructed by L.K Obwanda, learned counsel for the applicant/Plaintiff has made an application that his matter be marked as closed with no orders as to costs.
2. The anchorage of the application is a grant of letters of administration issued to the respondent. The plaintiff/applicant contends that the same has since been revoked hence affected her locus standi herein.



3. It must be noted that the plaintiff/applicant is claiming to have acquired the suit land reference number south Karachuonyo/Kamenya /1498 by way of adverse possession.
4. Mr. Mandela Migele, learned counsel for the defendant/respondent has no objection to the withdrawal of the suit on the terms sought by the plaintiff.
5. In the premises, I find the plaintiff's application merited.
6. In the upshot, this suit is hereby marked as withdrawn with no orders as to costs.
7. It is so ordered.

DELIVERED AND DATED AT HOMABAY THIS 23RD DAY OF FEBRUARY 2023.

G.M.A ONG'ONDO

JUDGE

Present

- a. Mr. Ojala instructed by L.K Obwanda, learned counsel for the plaintiff/applicant.
- b. Mr. Mandela Migele, learned counsel for the Defendant/Respondent.

