



REPUBLIC OF KENYA



**KENYA LAW**  
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**Oimo v Ngere (Environment and Land Appeal 048 of 2022)  
[2023] KEELC 15918 (KLR) (22 February 2023) (Ruling)**

Neutral citation: [2023] KEELC 15918 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY  
ENVIRONMENT AND LAND APPEAL 048 OF 2022  
GMA ONGONDO, J  
FEBRUARY 22, 2023**

**BETWEEN**

**MICHAEL OYUGI OIMO ..... APPELLANT**

**AND**

**JOHN AMENYA NGERE ..... RESPONDENT**

*(Being an appeal from the original Chief Magistrate's  
Land Case No. EO22 OF 2020 at Homa-Bay)*

**RULING**

1. The instant ruling is in respect of an application by way of a notice of motion dated October 4, 2022 by the appellant through the firm of G.S Okoth and Company Advocates. The appellant/applicant is seeking extension of time to file appeal, stay of execution of the trial court's decree issued on May 16, 2022 against him.
2. By a draft consent order dated January 26, 2022 duly filed by Mr G.S Okoth learned counsel for the appellant and Nancy Nyarige, learned counsel for the respondent have compromised the application on the terms, *inter alia*,
  - a. The stipulated time for filing appeal be extended and the memorandum of appeal dated October 4, 2022 and filed on the October 5, 2022 be deemed as properly filed.
  - b. There be a stay of execution of the decree issued on the May 16, 2022 pending hearing and determination of the appeal.
  - c. The costs of this application abide the result of the appeal.
3. So, the application is determined accordingly.



4. The appellant to file and serve record of appeal within the next 30 days from this date for directions on April 18, 2023.
5. The respondent's counsel be served accordingly
6. It is so ordered.

**DELIVERED AND DATED AT HOMABAY THIS 22<sup>ND</sup> DAY OF FEBRUARY 2023.**

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

**JUDGE**

**PRESENT:**

1. Ms P. Odhiambo instructed by G.S Okoth, learned Counsel for the appellant/applicant.
2. Court Assistant, Okello.

