



Odhiambo v Onunda & 2 others (Environment and Land Appeal 19 of 2022) [2023] KEELC 935 (KLR) (21 February 2023) (Ruling)

Neutral citation: [2023] KEELC 935 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
ENVIRONMENT AND LAND APPEAL 19 OF 2022
GMA ONGONDO, J
FEBRUARY 21, 2023**

BETWEEN

PETER OPIYO ODHIAMBO APPLICANT

AND

JACOB OLANGO ONUNDA 1ST RESPONDENT

JAMES OURA OMBUTO 2ND RESPONDENT

JOSEPH ODHIAMBO RABITA 3RD RESPONDENT

RULING

1. The applicant, Peter Opiyo Odhiambo who appears in person filed an application by way of a Notice of Motion dated February 2, 2023 on February 8, 2023 seeking the orders that:
 - a. The Honourable Court be pleased to substitute the Applicant with the Respondent (Deceased) for purposes of defending the Appeal to its conclusion.
 - b. Upon prayer 1 being granted the Honourable Court be pleased to allow the Applicant to act in person.
 - c. There be no orders as to costs.
2. Mr Robert Ochieng instructed by the firm of G.S Okoth and Company Advocates for the deceased Respondent, Joseph Odhiambo Rabita, has no objection to the application in its entirety.
3. Also, Ms Aluoch Odera for the appellants/respondents have no objection to the orders sought in the application.
4. In the foregone, I find this application meritorious.



5. So, I proceed to allow the application in terms of orders (a), (b) and (c) sought therein and as stated at paragraph 1(a)(b) and (c) hereinabove.
6. It is so ordered.

DATED AND DELIVERED AT HOMABAY THIS 21ST DAY OF FEBRUARY 2023.

G.M.A ONG'ONDO

JUDGE

In the presence of:

Applicant in person

Ms. Aluoch Odera, learned counsel for the Appellants/Respondents.

Mr. R. Ochieng, instructed by the firm of G.S Okoth and Company Advocates for the Deceased Respondent.

