



Okul & another (Suing as the legal administrator of the Estate of Barack Deya Okul-Deceased) v Wakay (Sued as the legal administrator of Zakayo Wakaya Got - Deceased) & 3 others; M/S Oguttu Mboya, Ochwal & Partiners Advocates (Applicant) (Environment & Land Case 26 of 2021) [2023] KEELC 936 (KLR) (14 February 2023) (Ruling)

Neutral citation: [2023] KEELC 936 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
ENVIRONMENT & LAND CASE 26 OF 2021**

**GMA ONGONDO, J
FEBRUARY 14, 2023**

BETWEEN

**EDWARD O OKUL 1ST PLAINTIFF
TOM MBOYA OKUL 2ND PLAINTIFF
SUING AS THE LEGAL ADMINISTRATOR OF THE ESTATE OF BARACK
DEYA OKUL-DECEASED**

AND

**CHARLES OLUOCH WAKAY (SUED AS THE LEGAL ADMINISTRATOR OF
ZAKAYO WAKAYA GOT - DECEASED) 1ST DEFENDANT
JULIUS OTIENO AKICHO 2ND DEFENDANT
DHARMESH KUMAR KANUBHAI PATEL 3RD DEFENDANT
JUMA DANDI OKELLO 4TH DEFENDANT**

AND

M/S OGUTTU MBOYA, OCHWAL & PARTINERS ADVOCATES .. APPLICANT

RULING

1. On February 13, 2023, the firm of Oguttu Mboya Ochwal and Partners Advocates for the plaintiffs, lodged an application by way of a notice of motion dated February 10, 2023 seeking the following orders:
 - a. The Honourable court be pleased to grant Leave and/or liberty to the firm of M/s Oguttu Mboya, Ochwal & Partners Advocates, to cease acting for the plaintiffs.



- b. Consequently, the firm of M/s Oguttu Mboya, Ochwal & Partners Advocates, be discharged from acting for the plaintiffs herein, Edward O. Okul And Tom Mboya Okul.
 - c. Costs of this Application be borne by the plaintiffs.
 - d. Such further and or other orders be made as the court may deem fit and expedient.
2. Mr. Mandela Migele, learned Counsel instructed by W. Ochwal learned Counsel of M/S Ogutu Mboya, Ochwal and partners Advocates, has urged the court to allow the application.
 3. Learned Counsel, Mr. M. Ogoro holding brief for the firm of Odhiambo Oranga and Company Advocates has informed this court that:

“We intend to file notice of change of advocates for plaintiff. Parties may settle matter out of court”
 4. I have considered the application in its entirety. In the obtaining circumstances, I find the same meritorious.
 5. Accordingly, the application is hereby allowed in terms of orders 1 and 2 sought therein and as stated in paragraph 1(a) and (b) hereinabove.
 6. No orders as to costs.
- It is so ordered.

DATED AND DELIVERED AT HOMA BAY THIS 14TH DAY OF FEBRUARY, 2023.

G.M.A ONG'ONDO

JUDGE

Present:

Mr. Mandela Migele holding brief for Ms Ochwal learned counsel for the plaintiff.

Mr. J. Otieno holding brief for Bana learned counsel for the 1st and 2nd defendants.

Mr. M. Ogoro prospective counsel for the plaintiffs

Okello and Fiona, Court Assistant.

