



**Chelimo P/A Chelimo & Company Advocate v Njuguna (Environment and Land Appeal 18 of 2021) [2023] KEELC 16580 (KLR) (27 March 2023) (Ruling)**

Neutral citation: [2023] KEELC 16580 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT KAPSABET  
ENVIRONMENT AND LAND APPEAL 18 OF 2021  
MN MWANYALE, J  
MARCH 27, 2023**

**BETWEEN**  
**MILDRED CHELIMO P/A CHELIMO & COMPANY ADVOCATE . APPLICANT**  
**AND**  
**KIRUBI NJUGUNA ..... RESPONDENT**

**RULING**

1. Before court for determination is an application dated March 9, 2023 seeking a stay of execution of the ruling delivered on March 2, 2023 and a substantive prayer that the taxed amount be paid in instalment.
2. The ruling sought to be stayed arises from taxation of an advocate/client bill of costs that was taxed at Ksh 352, 989. The applicant has not challenged the taxed amount but seeks to pay the same in instalment. In his affidavit, the applicant states that he is elderly and sickly hence at paragraph 10 of his supporting affidavit he proposes to pay Ksh 50, 000, on or before April 10, 2023 and balance in instalments of Ksh 20,000/= on every succeeding day of every month till payment in full.
3. The advocate has opposed the application and has indicated that the applicant has been sickly over during the time of the suit and should not delay the payment of her fees based on the issue of sickness; as she rendered her services and she is entitled to enjoy her fees by way of the taxed costs which are not in any way challenged; and are thus due and owing to her.
4. The taxed costs emanated from an advocate/client bill of costs that was taxed at Ksh352, 989/=. it is true that the taxed amount is now due and owing to the advocate for service rendered. The court had given parties an opportunity to be negotiate the payment plan which negotiation bore no fruits hence this ruling.
5. The applicant has proposed to make the payment as captured in paragraph 10 of his affidavit and paragraph 2 of this ruling, which the respondent has declined.



6. The court allows the application for stay of execution conditionally and the payment of instalment in terms that;
7. The taxed costs of Ksh 352, 989/= due and owing to the advocates to be paid as hereunder;
  - i. First instalment of Ksh 75, 000/= to be paid on or before April 15, 2023.
  - ii. The balance of Ksh 277.989/= to be paid in instalments of Ksh 50, 000/= on or before 20<sup>th</sup> of every month from May 20, 2023 till payment in full.
  - iii. In default of any instalment the balance thereof shall attract interest at prevailing court rates and the advocate shall be at liberty to execute.

**DATED AT KAPSABET THIS 27<sup>TH</sup> DAY OF MARCH, 2023.**

**HON. M. N. MWANYALE**

**JUDGE**

**In the presence of:**

Ms. Chelimo the Applicant.

Mr. Kirubi Njuguna in person.

