



**Anyumba & Associates Advocates v Otieno (Environment and Land Miscellaneous Application E008 of 2022) [2023] KEELC 17057 (KLR) (27 April 2023) (Ruling)**

Neutral citation: [2023] KEELC 17057 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT KISUMU  
ENVIRONMENT AND LAND MISCELLANEOUS APPLICATION E008 OF 2022**

**E ASATI, J**

**APRIL 27, 2023**

**BETWEEN**

**ANYUMBA & ASSOCIATES ADVOCATES ..... APPLICANT**

**AND**

**OLWAL GABRIEL OTIENO ..... RESPONDENT**

**RULING**

1. This ruling is in respect of the Notice of Motion application dated 26<sup>th</sup> October 2020 which seeks for orders that judgement be entered in terms of the certificate of costs and that decree be drawn in favour of the Advocate/applicant. It also seeks for an order that costs of the application be provided for. The grounds of the application are that the applicant represented the Respondent in Kisumu ELC Appeal No. 23 of 2018 and the Respondent has not paid the fees for the same. The application is supported by the averments in the Supporting Affidavit sworn on 26/10/2020 by George O. Anyumba Advocate. The application was unopposed. Affidavit of Service on record sworn by George Anyumba Advocate on 12<sup>th</sup> July 2022 shows that the Respondent was served with the application on 24<sup>th</sup> February 2022.
2. Section 51(2) of the *Advocates Act* empowers the court to make an order that judgement be entered for the sum certified to be due with costs. I have read and considered the application. I have also read the court record generally. The applicant's fees was taxed at Kenya shillings two hundred and seventy-five thousand zero two nine and seventy cents only (Kshs 275, 029.70) and a certificate of taxation dated 28<sup>th</sup> September 2022 issued. I have read the ruling dated 28<sup>th</sup> September 2022 by the Deputy Registrar on the taxation. There being no opposition to the application, the Certificate of Costs having not been reviewed or varied, I find that the application is merited. I allow the application and hereby enter judgement in favour of the applicant on the basis of the certificate of costs dated 28<sup>th</sup> September 2022 for Kshs.275,029.70. Costs of the application are awarded to the applicant.

Orders accordingly.



**RULING, DATED AND SIGNED AT KISUMU, READ VIRTUALLY THIS 27<sup>TH</sup> DAY OF APRIL 2023 THROUGH MICROSOFT TEAMS ONLINE APPLICATION.**

**E. ASATI**

**JUDGE.**

In the presence of:

Maureen: Court Assistant.

Parties Absent

