



Yooshin Engineering Corporation v Aia Architects Ltd (Commercial Miscellaneous Application 13 of 2023) [2023] KEHC 27380 (KLR) (20 December 2023) (Ruling)

Neutral citation: [2023] KEHC 27380 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
COMMERCIAL MISCELLANEOUS APPLICATION 13 OF 2023
DKN MAGARE, J
DECEMBER 20, 2023**

BETWEEN

YOOSHIN ENGINEERING CORPORATION APPLICANT

AND

AIA ARCHITECTS LTD RESPONDENT

RULING

1. The Applicant herein filed an Application dated 19th July 2023 substantially seeking that Judgement be entered for the Applicant against the Respondent in the sum of Kshs. 1,067,604/= being the sum taxed and certified in Civil Appeal No. 147 of 2019 as stated in the Certificate of Costs dated 27th February 2023 and Kshs. 113,605/= being the sum taxed and certified in Civil Application No. 89 of 2019 as stated in the Certificate of Costs dated 5th December 2022 as due to the Applicant with interest thereon.
2. Be it as may, this Court and the Court of Appeal Court have already assessed costs at a specific figure, that is, Kshs. 113,605/= being the sum taxed and certified in Civil Application No. 89 of 2019 as stated in the Certificate of Costs dated 5th December 2022 and Kshs. 1,067,604/= being the sum taxed and certified in Civil Appeal No. 147 of 2019 as stated in the Certificate of Costs dated 27th February 2023.
3. The Application is expressed to be brought under Section 51 (1) & (2) of the *Advocates Act*.
4. As a fact after filing of the Notice of Motion dated 27th July 2023, there does not appear to be active participation of the Respondent.
5. The Applicant has done his part, serving the bill of costs, and other processes.
6. The Application dated 27/7/2023 is merited and as such I allow the same.



Determination

7. In the circumstances, Judgment be and is hereby entered for the Applicant against the Respondent in terms: -
- a. Kshs. 113,605/= being the sum taxed and certified in Civil Application No. 89 of 2019 as stated in the Certificate of Costs dated 5th December 2022;
 - b. Kshs. 1,067,604/= being the sum taxed and certified in Civil Appeal No. 147 of 2019 as stated in the Certificate of Costs dated 27th February 2023.
 - c. The Applicant shall have Interest on (i) and (ii) at court rates effective the date of judgment herein.

DATED, SIGNED AND DELIVERED VIRTUALLY AT MOMBASA ON THIS 20TH DAY OF DECEMBER, 2023.

KIZITO MAGARE

JUDGE

In the presence of: -

Ms Njage for Applicant

No appearance for Respondent

Court clerk- Brian

