



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT SIAYA**

**CIVIL APPEAL NO. E024 OF 2021**

**CORAM: R. E. ABURILI - J.**

**KINGDOM BANK LIMITED.....APPELLANT**

**VERSUS**

**MOURICE OUMA NYANDUGU.....RESPONDENT**

*(Being an Appeal from the Ruling and Order of Hon. Ong'ondo, Principal Magistrate*

*delivered on 1<sup>st</sup> July 2021 in Siaya Principal Magistrate's Court Civil Case No. 02 of 2021)*

**RULING**

1. This matter has been basically settled between the parties as per the consent of 19/10/2021. What remained was the issue of costs which has not been agreed upon.
2. Costs follow the event and are in the discretion of the court. However, as the parties have mutually agreed to solve the matter in an amicable manner and even fast tracked the appeal herein which was filed on 9/7/2021 and further conceded to a negotiated settlement which they are now engaged in, to alleviate the burden borne by the Respondent, I hereby order that each party bear their own costs of this appeal.
3. Accordingly, this appeal is hereby settled by the consent reached on 19/10/2021 with an order that each party bear their own costs of the appeal.
4. This file is closed, upon Decree being issued.
5. Orders accordingly.

**DATED, SIGNED AND DELIVERED AT SIAYA THIS 31<sup>ST</sup> DAY OF JANUARY, 2022**

**R.E. ABURILI**

**JUDGE**