



**Nyabola v Ochola (Environment & Land Case E001 of 2023)
[2023] KEELC 17484 (KLR) (23 May 2023) (Ruling)**

Neutral citation: [2023] KEELC 17484 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT SIAYA
ENVIRONMENT & LAND CASE E001 OF 2023**

AY KOROSS, J

MAY 23, 2023

BETWEEN

FRANCIS OLLAOH NYABOLA PLAINTIFF

AND

MARY ATIENO OCHOLA DEFENDANT

RULING

1. Though the parties entered a consent on settlement of the case, they disagreed on costs. Both Counsels were in consensus that it is trite law that costs follow the event, it is discretoary and the guiding provision of law is Section 27 (1) of the *Civil Procedure Act*.
2. The issue of contention between the parties was the intention of the plaintiff in filing the suit. He knew they are in-laws with a close family relationship. The issue could have been resolved amicably.
3. Having heard the counsels submissions, it is my considered view that it is settled law costs follow the event and the court has to consider the circumstances of each case in exercising its discretion. The plaintiff and defendant are close family relations and as this court has held in its previous decisions, in such special circumstances, each party shall bear their respective costs.
4. I hereby exercise my discretion and find that the parties herein shall bear their respective costs. It is so ordered.
5. The matter is marked as settled.

DELIVERED AND DATED AT SIAYA THIS 23RD DAY OF MAY 2023.

HON. A. Y. KOROSS

JUDGE

23/05/2023



Ruling delivered in the Presence of:

Mr. Ooro F. for the plaintiff

Mr. Otieno for the defendant

Court assistant: Ishmael Orwa

