



**Sherman Nyongesa & Mutubia Advocates v Karwa Trading Ventures Limited (Miscellaneous Application 26 of 2021) [2023] KEELC 18359 (KLR) (21 June 2023) (Ruling)**

Neutral citation: [2023] KEELC 18359 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT MOMBASA  
MISCELLANEOUS APPLICATION 26 OF 2021  
NA MATHEKA, J  
JUNE 21, 2023**

**BETWEEN**

**SHERMAN NYONGESA & MUTUBIA ADVOCATES ..... APPLICANT**

**AND**

**KARWA TRADING VENTURES LIMITED ..... RESPONDENT**

**RULING**

1. The application is dated February 28, 2023 and is brought under sections 1A and 1B of the [Civil Procedure Act](#) cap 21 of The Laws of Kenya and Order 51 Rules 1 of the [Civil Procedure Rules](#), section 51(2) of the [Advocates Act](#) cap 16 seeking the following orders;
  1. That this honourable court be pleased to issue an Order for entry of Judgment in favour of the Applicant Sherman Nyongesa & Mutubia Advocates against the Respondent Karwa Trading Ventures Limited in the sum of Kshs. 59,982.56 on the basis of the Certificate of Costs dated December 15, 2022 together with interest at the court rate from December 15, 2022 until payment in full.
  2. That this honourable court be pleased to adopt and endorse the Certificate of Costs dated December 15, 2022 as a Decree of the court for purposes of execution.
  3. That the costs of this application be provided for.
2. The application is supported by the annexed affidavit of sworn by Valerie Takah, and is based on the following grounds that pursuant to a letter of offer by the respondent's landlord, the applicant prepared and lodged for registration a lease document in favour of the respondent sometimes in November 13, 2018 to which services were rendered and remain undisputed. That the respondent failed, refused and/or reneged to fulfill its part of the obligation to pay of a sum of Kshs. 70,868.56/= being the legal costs for the preparation and registration of the lease document. That the Applicant was prompted to file a Bill of Costs dated June 24, 2021 and which bill was taxed on the 9<sup>th</sup> December, 2022



at Kshs. 58,982.56/=. That subsequent to the delivery of the Ruling on the Bill of Costs, a Certificate of Cost was issued on the December 15, 2022 for Kshs. 58,982.56/=.

3. This court has considered the application and the supporting affidavit. The same was served but the respondent failed to attend court or file any response. That no reference has been filed against the Taxation. I find the same is unopposed. I find the application is merited and I grant it as prayed.
4. It is so ordered.

**DELIVERED, DATED AND SIGNED AT MOMBASA THIS 21<sup>ST</sup> JUNE 2023.**

**N.A. MATHEKA**

**JUDGE**

