

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL DIVISION

1. CIVIL CASE NO 1235 OF 1981

ELIJAH GATUPLAINTIFF

VERSUS

SOUTH TETU HOTELS AND BARS LTDDEFENDANT

AND

2. CIVIL CASE NO 1236 OF 1981

ELIJAH GATUPLAINTIFF

VERSUS

GIKONDI AFRICAN HOTELS & BARS LTD.....DEFENDANT

CONSOLIDATED RULING

1. These two very old matters were on 4th June 2013, and by consent, marked as settled except for the issue of costs which was left to the court to determine. The terms of the settlement (if any) were not disclosed to the court.

2. The issue of costs was canvassed by way of written submissions. The Plaintiff filed his submissions on 13th December 2012 in both matters. The Defendants filed their on 24th January 2013 in both matters. I have considered those submissions, including the cases cited.

3. The parties have done nothing more than argue their respective cases in the suits, arguments which I would have thought were rendered moot by settlement of the suits! At the end of it all, the terms of settlement have not been disclosed even in the submissions.

4. Costs will normally follow the event. The event will usually be the favourable outcome of the suit for one or the other party. In this case it is not known by the court in whose favour the settlement was. Did it favour the Plaintiff or the Defendants? Was one or the other party found to be at fault either expressly or by necessary implication in the settlement?

5. In these circumstances the only order that commends itself to the court is that the parties do bear their own costs of the suit. It is so ordered.

DATED AND SIGNED AT NAIROBI THIS 18TH DAY OF JUNE 2013

H. P. G. WAWERU

JUDGE

DELIVERED AT NAIROBI THIS 21ST DAY OF JUNE 2013