



**Puley v Muhia & 3 others (Environment & Land Petition
12 of 2018) [2025] KEELC 3213 (KLR) (4 April 2025) (Ruling)**

Neutral citation: [2025] KEELC 3213 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO
ENVIRONMENT & LAND PETITION 12 OF 2018**

MD MWANGI, J

APRIL 4, 2025

BETWEEN

JOHN OLE PULEY APPLICANT

AND

JACKSON KARANJA MUHIA 1ST RESPONDENT

COUNTY GOVERNMENT OF KAJIADO 2ND RESPONDENT

LAND REGISTRAR, KAJIADO NORTH 3RD RESPONDENT

CHIEF LAND REGISTRAR 4TH RESPONDENT

RULING

(In respect of the Petitioner's Notice of Motion amended on 5th March 2024 brought under Sections under Section 51(2) of the [Advocates Act](#) and paragraphs 4 and 7 of the Advocates remuneration Order)

Background

1. This Ruling is in respect of the Petitioner's amended Notice of Motion dated 5th March 2024 brought under Section 51(2) of the [Advocates Act](#) and paragraphs 4 and 7 of the Advocates Remuneration Order. The Petitioner prays for an order that the certificate of costs issued herein as against the Respondents be adopted into a judgement and decree of this court and consequently that judgement be entered for the Petitioner against the Respondents for the sum of Kshs. 811,612/- with interest accruing at the rate of 14% per annum with effect from 6th October 2023 until payment in full as prescribed in paragraph 7 of the Advocates Remuneration Order. He further prays for the costs of this application.
2. The application is supported by the affidavit of Gerald Muchiri and the grounds on the face of it. The gist of the application is that the sum of Kshs. Kshs. 811,612/- was taxed as costs between the parties i.e.



party and party costs. However despite demand, the Respondents have failed to settle the amount. The Petitioner seeks that judgement be entered in his favour to enable him execute and recover the costs.

3. The 1st Respondent in an interesting response vide the replying affidavit sworn on 24th May 2024 while not outrightly opposing the application by the Petitioner asserts that the court's judgement directed that the costs were to be paid by the 1st, 2nd and 3rd Respondents together. He argues that he is only liable to pay a third of the costs. He further avers that he has even made a proposal to pay the costs attributable to him.
4. On the aspect of interest, the 1st Defendant avers that interest should only be allowed from the date of entry of judgement and not from the date of filing the matter as sought by the Petitioner.

Directions

5. Though the court granted the parties liberty to file and exchange submissions, none of them filed any submissions.

Issues for determination

6. Having considered the application by the Petitioner and the response thereto by the 1st Respondent, the only issue for determination is whether the application is merited.

Determination

7. As I noted earlier on, none of the parties filed any submissions. None indeed were required.
8. I say so because, section 51(2) of the *Advocates Act* only applies to taxation of Advocate-Client bills of costs. What is before me was the taxation of party and party costs. No judgement is required to be entered upon the taxation of party and party costs. There cannot be two judgements in the same matter. Upon taxation, the Decree-holder or the party who was awarded costs is at liberty to proceed to execute. No further action is required on taxation of the party and party costs.
9. In the case of *Nyamira County Government v Local Authorities provident fund* [2020] eKLR, the court rightly observed that,

“As for his argument that the certificate of costs was not converted into a judgment, it is my finding that the bill of costs being one for party and party need not have been converted in order to be executed.”
10. On the issue interest on the costs, one must go back to the judgement to confirm whether interest was indeed granted on the costs. In this case, none was granted. The court cannot at this stage grant interest since the trial court did not grant the same.
11. The 1st Respondent's argument that he is only liable to a third of the costs holds no water. Judgement was entered against the three Respondents jointly and severally. The same is to apply on the issue of costs; jointly and severally. The Petitioner is at liberty to pursue his costs either against one or all the Respondents. I leave it at that.
12. Accordingly, the Petitioner's application is disallowed. I make no orders as to the costs of this application.

It is so ordered.

DATED SIGNED AND DELIVERED AT KAJIADO VIRTUALLY THIS 4TH DAY OF APRIL 2025.



M.D. MWANGI

JUDGE

In the virtual presence of:

Mr. Wangila for the Petitioner/Applicant

Mr. Otieno for the 1st Respondent

N/A by the 2nd and 3rd Respondents

Court Assistant: Mpoye

M.D. MWANGI

JUDGE

