



Karanja v King'ori & another (Environment and Land Miscellaneous Application E100 of 2020) [2022] KEELC 15650 (KLR) (20 December 2022) (Ruling)

Neutral citation: [2022] KEELC 15650 (KLR)

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT AND LAND MISCELLANEOUS APPLICATION E100 OF 2020
LN MBUGUA, J
DECEMBER 20, 2022

BETWEEN

HUMPHREY NJURU KARANJA PLAINTIFF

AND

JOHN MWANGI KING'ORI 1ST DEFENDANT

COUNTY GOVERNMENT OF NAIROBI 2ND DEFENDANT

RULING

1. This miscellaneous file was filed as a reference in relation to party and party bill of costs whereby the applicant (1st defendant) was seeking a stay of execution of the judgment in ELC 193/2007. However this miscellaneous suit was marked as withdrawn on July 4, 2022 and parties were to submit an issue of costs. The court also gave directions that any other application was to be filed in the main file ELC 193 of 2007.
2. The directions given on July 4, 2022 on submissions were that the same were to be filed and served simultaneously by August 4, 2022. On October 5, 2022, counsel E Gaturu averred that they had duly filed and served their submissions. However, when I embarked to write the ruling in mid November 2022, I found no submissions in the court's digital platform (CTS), nor were there any hard copies in the court file.
3. In the Supreme Court of Kenya case of *Baridi Felix Mbevo v Musee Mati & 2 others [2021] eKLR*, it was stated that;

“It is trite that we have an inherent jurisdiction to make orders on costs. In the Jasbir Singh Rai case at paragraph 11, This court established that costs fall under the inherent powers of the court”



4. I have taken into consideration that the person who moved the court in this miscellaneous suit has since died, even if he was substituted. I have also taken into consideration that the process of execution is still under way in the main file ELC 193 of 2007. In the circumstances, I give orders that each party is to bear their own costs in so far as this miscellaneous file No. E100/2020 is concerned.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 20TH DAY OF DECEMBER, 2022
THROUGH MICROSOFT TEAMS.**

LUCY N MBUGUA

JUDGE

In the presence of:-

E Gaturu for the plaintiff

M/s Matunda for 2nd defendant

Chege for 1st defendant

Court assistant: Eddel

