



**Menelik House Limited v Osodo (Environment & Land Case
E003 of 2021) [2022] KEELC 15520 (KLR) (19 December 2022) (Ruling)**

Neutral citation: [2022] KEELC 15520 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE E003 OF 2021**

J OMANGE, J

DECEMBER 19, 2022

BETWEEN

MENELIK HOUSE LIMITED PLAINTIFF

AND

FRANCIS ODUMBE OSODO DEFENDANT

RULING

1. The Notice of Motion application dated July 15, 2022 brought under Section 3 A of the *Civil Procedure Act*, Section 48, 51 of the *Advocates Act*, and Order 51 of the *Civil Procedure Rules* seeks orders that the Certificate of Taxation dated February 16, 2022 be and is hereby adopted as a Judgement of the court.
2. The defendant advocate further seeks that the respondent be ordered to comply with the certificate of execution within 7 days and that the OCS Kilimani Police station supervise fulfilment of the order.
3. The advocates for the plaintiff opposed prayer 3,4 and 5 on the basis that that the orders sought should be raised before the Deputy Registrar. application is not opposed. The matter came up for directions on November 23, 2022 during which a Ruling date was given for today and parties given leave to file submissions. There are no submissions on record as at December 16, 2022.
4. A Certificate of Taxation was issued by the Deputy Registrar on February 16, 2022. Pursuant to the provisions of Section 51 of the *Advocates Act*, the defendant herein is entitled to Judgment for that amount.
5. The remaining prayers for execution of the court order should follow the normal execution process.
6. In the final result, the application is allowed in the following terms:-
 - a. The certificate of taxation dated February 16, 2022 is hereby adopted as a judgement of the court.



b. The defendant is awarded costs of the application.

Dated, signed and delivered at Nairobi this 19th day of December 2022.

Judy Omenge

JUDGE

In the presence of: -

No appearance for the Plaintiff

Mr. Kimani for the Defendant

Steve Musyoki - Court Assistant

