



**Isaac Onyango & Co Advocates v Ansanzi Gambo Tinga & Safari  
Gambo Tinga (Environment and Land Miscellaneous Application  
E010 of 2021) [2025] KEELC 2967 (KLR) (1 April 2025) (Ruling)**

Neutral citation: [2025] KEELC 2967 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT MALINDI  
ENVIRONMENT AND LAND MISCELLANEOUS APPLICATION E010 OF 2021  
FM NJOROGE, J  
APRIL 1, 2025**

**BETWEEN**

**ISAAC ONYANGO & CO ADVOCATES ..... ADVOCATE**

**AND**

**ANSANZI GAMBO TINGA & SAFARI GAMBO TINGA ..... CLIENT**

**RULING**

1. The application dated 2/11/2024 was lodged by the applicant advocate Issac Onyango & Co Advocates on 3<sup>rd</sup> November 2024. It seeks an order that the judgment be against the client for the sums stated therein which was later orally amended by Mr. Onyango for the applicant on 5/3/2025 without demur from the respondent to read Kshs 1, 661, 963.49. In the supporting affidavit sworn by Isaac Onyango, advocate, that is the correct figure cited. The deponent of that affidavit depones that the respondent has not paid the costs and it is thus necessary to have judgment entered in respect of the taxed costs. The respondents aver in their joint replying affidavit dated 21/2/2025 that they have not failed to pay and aver that they have been attempting to reach the advocate applicant for the purpose of paying the costs as taxed on condition that he releases their title deeds which are in his custody, but he has turned down the offer; that they have in turn lodged a complaint against him at the LSK Disciplinary Tribunal; that there is no ruling that was delivered on 19/9/2024; that no costs were awarded; that according to the ruling delivered on 28/5/2024, interest at 14% was also not awarded. In their supplementary affidavit dated 11/3/2025, the respondents reiterate their willingness to pay the taxed costs sum and ask that the court do compel the applicant to furnish their advocate with an account into which to pay. They allege that the advocate seeks to be paid Kshs 10,000,000 which is not the amount taxed, in order to release their title deeds. This court would have expected Mr Onyango to respond to the claims by the respondents to the effect that he is seeking more than the taxed amount and why. He never did that. It is a mystery as to why, and for the reason that the respondents seem eager to be over and done with the matter by paying the sum sought by Mr. Onyango on condition of release of their property held by Mr.



Onyango, this court will not speculate on the reasons for lack of a response to such serious allegations. This court will be inclined to do, and expedite, justice to both parties to obviate their need for return to this court on the same issue. Therefore, on the basis of the sworn affidavit and supplementary affidavit of the respondents which amount to solemn undertakings on oath before this court, and in the interests of justice, and with a view to finalizing the dispute herein, this court orders as follows:

- a. The applicant advocate's application dated 2<sup>nd</sup> November 2024 and amended on 5/3/2025 lacks in merit and it is hereby struck out with costs;
- b. The applicant advocate shall release all the documents sought by the respondents and in particular the title deeds mentioned in their affidavit and supplementary affidavit in response to the motion dated 2/11/2024, as well as any other documentation on the transaction which the applicant advocate may be holding to which the respondents may be entitled, within 4 days of this order;
- c. The respondents' advocate shall list any further documents sought to be released to the respondents, if any, in a letter within 2 days of this ruling and deliver the letter by way of electronic mail to the advocate applicant's known email address;
- d. Upon receiving the said title deeds with or without documents as the case may be, to their satisfaction, the respondents shall hold the said title deeds on condition that they shall not transfer or otherwise part with their interest therein unless and until the costs as taxed are fully paid; no costs shall however be paid until the said titles are released;
- e. The costs of the instant application shall be paid by the advocate applicant and shall be agreed on or taxed, and offset from the taxed costs at payment stage.

**DATED, SIGNED AND DELIVERED AT MALINDI VIA ELECTRONIC MAIL ON THIS 1<sup>ST</sup> DAY OF APRIL 2025.**

**MWANGI NJOROGE**

**JUDGE, ELC, MALINDI**

