



**Gichuki & another v Church Commissioner of Kenya (Enviromental and Land Originating Summons E017 of 2023) [2025] KEELC 5128 (KLR) (8 July 2025) (Ruling)**

Neutral citation: [2025] KEELC 5128 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT MURANGA  
ENVIROMENTAL AND LAND ORIGINATING SUMMONS E017 OF 2023**

**MN GICHERU, J**

**JULY 8, 2025**

**BETWEEN**

**DOUGLAS WANYAGA GICHUKI ..... 1<sup>ST</sup> APPLICANT**

**ESTHER NYAMBURA GIKONYO ..... 2<sup>ND</sup> APPLICANT**

**AND**

**CHURCH COMMISSIONER OF KENYA ..... RESPONDENT**

**RULING**

1. This ruling is on whether the Defendant is entitled to costs or not. On 18-2-2025 the Plaintiffs’ counsel withdrew the suit on the grounds that his clients had been evicted from the land and a church built thereon.

Only the Respondent’s counsel filed written submissions. No submissions were filed by or on behalf of the Plaintiffs.

2. The proviso to Section 27 of the Civil Procedure Act provides as follows.

Provided that the costs of any action, cause or other matter or issue shall follow the event unless the Court or Judge shall for good reason otherwise order.”

The Court should always let the costs follow the event such that the party that has been brought to court unwilling should be paid costs in the event that the case is withdrawn or dismissed.

The only time that this rule should not be followed is where there is a good reason.

The Plaintiffs counsel did not give any reason, let alone a bad one, as to why the costs should not follow the event.

There being no good reason to deviate from the precedent and practice, I award the costs of the suit to the Respondent.



It is so ordered.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT MURANG'A THIS 8<sup>TH</sup> DAY OF JULY, 2025.**

**M.N. GICHERU JUDGE.**

Delivered online in the presence of; -

Court Assistant – Mwangi Njonjo

1<sup>st</sup> Plaintiff's Counsel – Absent

2<sup>nd</sup> Plaintiff's Counsel - Absent

Defendant's Counsel – Mr Gichuki

