



**Bentley v Isaac & another (Environment & Land Case E004 of 2022)
[2024] KEELC 486 (KLR) (7 February 2024) (Ruling)**

Neutral citation: [2024] KEELC 486 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAKURU
ENVIRONMENT & LAND CASE E004 OF 2022**

**A OMBWAYO, J
FEBRUARY 7, 2024**

BETWEEN

SHEILA BENTLEY PLAINTIFF

AND

JOSPEHINE JERONO ISAAC 1ST DEFENDANT

CHEPTUMO & CO ADVOCATES 2ND DEFENDANT

RULING

1. Cheptumo & Co advocate have come to this court seeking orders that the court review orders on costs issued on 12th October 2023. The applicant prays for costs of the application. The application is made on grounds that there is a judgment that was entered on the 12th October, 2023 where the court ordered that the 1st defendant vacates the property and that the plaintiff was to refund the purchase price less 20% and that the 2nd defendant was to release the title deed to the plaintiff. Costs were awarded to the plaintiff.
2. The applicant did not actively participate in the hearing of the originating summons by the plaintiff.
3. The advocates of the plaintiff are in the process of demanding for the costs that was awarded to them in this matter.
4. The Applicant in its response to the said originating summons confirmed having acted for both parties and did not whatsoever have any vested interest nor conflict in the transaction. The applicant furthermore reiterated in its response that it was willing to release the original title deed according to the terms and conditions of the honorable court.
5. It is on those grounds that the Applicant is of the view that the issue of cost doesn't apply to it and the same needs to be reviewed. The application is brought in good faith and in the interest of justice. There



will be no prejudice the greater than the prejudice the applicant is likely to suffer if the application for review is not allowed.

6. In the supporting affidavit the advocate for the 2nd defendant the grounds of the application. It is on those grounds that the Applicant is of the view that the issue of cost doesn't apply to it and the same needs to be reviewed.
7. The application is not opposed and therefore, I do find that the respondents will not be prejudiced if the judgment is reviewed and costs are not awarded. Moreover, the 2nd defendant did not actively participate in the suit. I do review the judgment and do award no costs against the 2nd defendant. Orders accordingly. No order as to costs in the application.

RULING DATED, SIGNED AND DELIVERED VIRTUALLY AT NAKURU THIS 7TH DAY OF FEBRUARY, 2024.

A O OMBWAYO

JUDGE

