



REPUBLIC OF KENYA



**Nardiello & 3 others v SBM Bank Limited & 2 others (Environment & Land Case 143 of 2018) [2024] KEELC 591 (KLR) (8 February 2024) (Ruling)**

Neutral citation: [2024] KEELC 591 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT MALINDI  
ENVIRONMENT & LAND CASE 143 OF 2018  
EK MAKORI, J  
FEBRUARY 8, 2024**

**BETWEEN**

**MAURIZIO NARDIELO ..... 1<sup>ST</sup> PLAINTIFF  
MAURIZIO COPORDARCA ..... 2<sup>ND</sup> PLAINTIFF  
TESTA GIANCARLO ..... 3<sup>RD</sup> PLAINTIFF  
FRERICA FRANCESCO ..... 4<sup>TH</sup> PLAINTIFF**

**AND**

**SBM BANK LIMITED ..... 1<sup>ST</sup> DEFENDANT  
TROPICANA HOTELS LIMITED ..... 2<sup>ND</sup> DEFENDANT  
KEYSIAN AUCTIONEERS ..... 3<sup>RD</sup> DEFENDANT**

**RULING**

1. The application dated 14<sup>th</sup> September 2023 seeks to have a bill of costs taxed by the Taxing Master at Kshs 378, 284.40/- be converted as a judgment of this Court against the 1<sup>st</sup> defendant.
2. The applicant averred that all the procedure leading to the taxation was fulfilled and the application stands germane.
3. The application is opposed on grounds that there is already a Reference filed vide application dated January 4, 2023 which this Court ought to determine first.
4. Since there is already a taxed Bill of Costs, the application dated 14<sup>th</sup> September 2023 is allowed. The bill is hereby converted to a judgment of this Court.



5. The Reference filed against the Taxation will at the same time also address the issue as to whether that bill was properly taxed in accordance with the relevant Advocates Remuneration Order This will lead to an orderly determination of the issues still outstanding since execution is not yet up.

**DATED, SIGNED, AND DELIVERED AT MALINDI VIRTUALLY ON THIS 8<sup>TH</sup> DAY OF FEBRUARY 2024.**

**E. K. MAKORI**

**JUDGE**

**In the Presence of:**

Ms. Gwahalla for the 1<sup>st</sup> defendant

CC Happy

**In the absence of:**

Mr. Staussi for the Defendants

