



Achach & Associates Advocates v Chhaya & another (Miscellaneous Application E018 of 2024) [2024] KEELC 3658 (KLR) (6 May 2024) (Ruling)

Neutral citation: [2024] KEELC 3658 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
MISCELLANEOUS APPLICATION E018 OF 2024**

LN MBUGUA, J

MAY 6, 2024

BETWEEN

ACHACH & ASSOCIATES ADVOCATES APPLICANT

AND

NARSING GORDAN CHHAYA 1ST RESPONDENT

CHIHAYA PREMBAI NARSINH 2ND RESPONDENT

RULING

1. I have perused this miscellaneous file and the responses filed thereof. The applicant appears to be aggrieved by none payment of legal fees by the respondent arising from a land sale transaction in which the respondents were the vendors.
2. It is quite apparent that the issues raised by the protagonists are rather contentious and there are accusations and counter accusations relating to contract of services. The performance (or none performance) of the contract of services is not an issue which can adequately be canvassed in a miscellaneous suit. It is the view of this court that the dispute should be channeled in an ordinary suit to enable the parties to sufficiently capture the cause of action and to respond accordingly through pleadings. In the circumstances, this miscellaneous suit is hereby struck out with no orders as to costs.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 6TH DAY OF MAY, 2024 THROUGH MICROSOFT TEAMS.

LUCY N. MBUGUA

JUDGE

In the presence of:-

Kwarikwar holding brief for Achach for Applicant



Mboya for the two Respondents

Court assistant: Eddel

