



**Biegon v Gatua & 2 others (Environment & Land Case
1177 of 2016) [2023] KEELC 18682 (KLR) (6 July 2023) (Ruling)**

Neutral citation: [2023] KEELC 18682 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE 1177 OF 2016**

**LN MBUGUA, J
JULY 6, 2023**

BETWEEN

ANTHONY KIPKORIR BIEGON PLAINTIFF

AND

PURITY WAMUYU GATUA 1ST DEFENDANT

ESTHER WAIGUMO NDAIGA 2ND DEFENDANT

EMBAKASI RANCHING CO. LTD 3RD DEFENDANT

RULING

1. On May 30, 2023, both the plaintiff's suit as well as the counterclaim of the defendants were marked as withdrawn. This ruling is on costs. The parties were directed to file and serve their written submissions on costs simultaneously by June 14, 2023. However, there was no compliance with the aforementioned directions by the rival parties, hence there are no persuasive arguments proffered by the parties on the issue of costs.
2. The provisions of section 27 (1) of the *Civil Procedure Act* stipulate as follows;

“Subject to such conditions and limitations as may be prescribed, and to the provisions of any law for the time being in force, the costs of and incidental to all suits shall be in the discretion of the court or judge, and the court or judge shall have full power to determine by whom and out of what property and to what extent such costs are to be paid, and to give all necessary directions for the purposes aforesaid;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”.



3. The event herein is that both the claim of the plaintiff as well as the counterclaim of the 1st & 2nd defendants were withdrawn. The court has also considered that the dispute between the parties came to an end through a consent, whereby a report of the Land Registrar was adopted herein. In the circumstances, I direct that each party shall bear their own costs of the suit and the counterclaim.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 6TH DAY OF JULY, 2023 THROUGH MICROSOFT TEAMS.

LUCY N. MBUGUA

JUDGE

In the presence of:

Khayaga for Plaintiff

Mwangi DK for 1st and 2nd Defendants

Court Assistant: Betsy

