



Locus Studio Limited v Law Society of Kenya Housing Co-operative Society Limited (Commercial Case E266 of 2022) [2025] KEHC 2244 (KLR) (Commercial and Tax) (13 February 2025) (Ruling)

Neutral citation: [2025] KEHC 2244 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI COMMERCIAL COURTS)
COMMERCIAL AND TAX
COMMERCIAL CASE E266 OF 2022
JWW MONG'ARE, J
FEBRUARY 13, 2025**

BETWEEN

LOCUS STUDIO LIMITED PLAINTIFF

AND

**LAW SOCIETY OF KENYA HOUSING CO-OPERATIVE SOCIETY
LIMITED DEFENDANT**

RULING

1. On 16th September 2024, the court delivered judgment in this matter where the Plaintiff was awarded the sum of Kshs.1,000,000.00/= on a quantum meruit basis. The Plaintiff has now filed the Notice of Motion dated 2nd October 2024 seeking to review the judgment on the ground that there was an error and/or mistake on the record as there was a lapse on the court's part in making an order for costs and interest in its favour. The application is supported by the grounds on its face and the supporting affidavit of the Plaintiff's Director, Tuesday Nyakango sworn on 1st October 2024. It is opposed by the Defendant through the Grounds of Opposition dated 2nd October 2024.
2. Despite though the court directed the parties to file written submissions, none have been filed. In any case, I will deal with the application as presented in the pleadings.
3. While it is correct that the Plaintiff sought for costs and interest in its Plaintiff and submissions, none were awarded as per the judgment of 16th September 2024. I am inclined to agree with the Defendant that the issue of awarding costs and interest was a matter of the court's discretion and is not a right even though a party might have been successful in their case. The court's decision not to render itself on or award costs and interest was deliberate and substantive and it was not a mistake or error on the face of the judgment. There is nothing to interpret or clarify and the words in the judgment speak for themselves.



4. I therefore find that the Plaintiff's application seeking to review the judgment is not merited and the same is dismissed with no order as to costs.

DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI ON THIS 13TH DAY OF FEBRUARY 2025

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J.W.W. MONGARE

JUDGE

In the Presence of

Ms. Mwaura holding brief for AGN Kamau for the Plaintiffs/Applicants.

Ms. Njoroge for the Defendants/Respondents.

Amos - Court Assistant

