



REPUBLIC OF KENYA



**Opondo v Odebero (Miscellaneous Application E249 of 2024)  
[2025] KEHC 4562 (KLR) (Family) (8 April 2025) (Judgment)**

Neutral citation: [2025] KEHC 4562 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY**

**MISCELLANEOUS APPLICATION E249 OF 2024**

**HK CHEMITEI, J**

**APRIL 8, 2025**

**BETWEEN**

**WILFRED BARASA OPONDO ..... APPLICANT**

**AND**

**CAMILITA AKINYI ODEBERO ..... RESPONDENT**

**JUDGMENT**

1. The chamber summons application dated 30<sup>th</sup> March 2023 by the Applicant seeks the following orders:-
  - (a) (a), (b), (c), (d) and (c) spent
  - (b) The decision of the Taxing Master delivered on 24<sup>th</sup> March 2023 in so far as the same related to the reasoning and determination pertaining to the taxation of the bill of costs dated 14<sup>th</sup> October 2022 be set aside.
  - (c) The court be pleased to refer the matter back for re-taxation by a different Taxing Master of the bill of costs and with proper directions thereof.
  - (d) In the alternative the court exercises its inherent jurisdiction and be pleased to retax the bill of costs dated 14<sup>th</sup> October 2022 afresh and or make directions to a fresh taxation.
2. The application is based on the grounds thereof and the Applicant's sworn affidavit dated even date.
3. The application has been opposed by the Respondent vide the replying affidavit sworn on 2<sup>nd</sup> May 2023.
4. The issues herein emanate from the matrimonial proceedings by this court wherein Musyoka J delivered a judgement dated 11<sup>th</sup> December 2014. It appears that the judge directed the parties to agree



- on how to split the properties equally and in the event of any disagreement a valuation be undertaken and they be sold in a public auction.
5. The parties disagreed and the valuation was done and, in the ruling, dated 28<sup>th</sup> September 2017 the court agreed with the valuation which placed the four properties at a value of Kshs.103,500,000.
  6. The Respondent based on the above proceeded to tax the bill and the Taxing Master on 24<sup>th</sup> March 2023 awarded the party and party costs at Kshs.2,040,985.
  7. The contentious part was the instruction fees which totaled Kshs. 1,399500.
  8. The Applicant has therefore challenged the same through the application herein. I respectfully do not find the application what one can call a Reference in the manner prescribed under Rule 11 of the Advocates Remuneration Order. There is no for instance a request to the Taxing Master for reasons which led to the findings of the sum complained of.
  9. Neither has the Taxing Master responded to any such request by way of explanation.
  10. Nevertheless, and taking into consideration the time this matter has been in the corridors of justice and exercising the powers donated by Article 159 of *the Constitution* namely expeditious disposal of justice I shall proceed to determine the same procedural lapse notwithstanding.
  11. I have perused the two competing affidavits and the ruling by the Taxing Master. Although it is the argument by the Applicant that there was no basis for the figures arrived at by the Taxing Master, the valuation by M/s Petrum Valuers sanctioned by the court was the basis. The ruling of the court I have alluded to above is crystal clear, namely that the total value of their matrimonial properties was Kshs.103,500,000.
  12. That ruling of 28<sup>th</sup> September 2017 remains unchallenged. I suppose the Applicant was happy with the outcome.
  13. Based on the said amount and from the reading of the Taxing Masters ruling I do not find any reason to interfere with it. The figures speak for themselves. The scale used by the Taxing Master of the year 2009 was the appropriate one.
  14. The other issues in the bill are basically routine matters and I doubt whether the Applicant has any significant challenge over the same. I do not see any reasons to interfere with any of them.
  15. For the above reasons I do not find the application/reference meritorious and the same is hereby dismissed with costs.

**DATED SIGNED AND DELIVERED AT NAIROBI VIA VIDEO LINK THIS 8<sup>TH</sup> DAY OF APRIL, 2025.**

**H K CHEMITEI**

**JUDGE**

