



**Shreeji Wholesalers and Hardware Limited v Prasun Construction Company Limited
(Miscellaneous Case E052 of 2024) [2025] KEHC 6735 (KLR) (10 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 6735 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MIGORI
MISCELLANEOUS CASE E052 OF 2024**

A. ONG'INJO, J

APRIL 10, 2025

BETWEEN

SHREEJI WHOLESALERS AND HARDWARE LIMITED APPLICANT

AND

PRASUN CONSTRUCTION COMPANY LIMITED RESPONDENT

RULING

1. By Chamber Summons application dated 3rd October 2024 was brought pursuant to Order 11 (i) and (11) of the Advocates Remuneration Order and the Applicant sought that the orders of the Taxing Officer dated 20th August 2024 be set aside and/ or varied and that item No 25 on the Respondent's Bill of costs be struck out or be assessed.
2. The application is premised on the grounds on its face and on the supporting affidavit of Nyaboke Stacy Bosire sworn on 3rd October 2024.
3. The application was opposed vide Replying Affidavit sworn by the Advocate for the Respondent on 27th January 2025 in which he gave a chronology of events upon referral of the matter for arbitration and the award made and orders issued upon the Award being adopted as judgement of the court.
4. This court has perused and considered the ruling delivered on 20th August 2024 and it is clear that the Taxing Master allowed Item No 25 as costs of the Arbitral Award. Vide ruling delivered on 24th March 2021 the court allowed the said Arbitral Award to be filed out of time and it was subsequently adopted as judgement of the court. The Arbitral Award dated 15th April 2020 is clear on who was to pay costs of the arbitration and costs in the Chief Magistrate's court. It is also well stipulated that the party who pays the Arbitrators fees and expenses shall be reimbursed by the other within 14 days. The Applicant has not denied that Item No 25 was fees due to the Arbitrator and that it was paid by the Respondent.
5. This court therefore finds that the application lacks merit and the same is dismissed with costs to the Respondent.



DELIVERED, DATED AND SIGNED AT MIGORI THIS 10TH DAY OF APRIL, 2025.

A. ONG'INJO

JUDGE

In presence of; -

Victor_ Court Assistant

Mr. Ojala Advocate for the Applicant

