Kiptek v Romo & 3 others (Civil Appeal E008 of 2024)
[2025] KEHC 5848 (KLR) (8 May 2025) (Ruling)

Neutral citation: [2025] KEHC 5848 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT KILGORIS

CIVIL APPEAL E008 OF 2024

CM KARIUKI, J

MAY 8, 2025

BETWEEN

JOSEPH LERINA OLE KIPTEK ..... APPELLANT

AND

DAVID AMRITZER ROMO ..... 1ST RESPONDENT

SAMUEL STRANDBERG ..... 2ND RESPONDENT

GARRIELLE STRAND ..... 3RD RESPONDENT

ALICIA AMRITZER ..... 4TH RESPONDENT

RULING

1. The Appellant withdrew the appeal vide the notice dated 21/02/2025, which indicated that the Appellant was withdrawing the appeal in its entirety with no orders as to cost. The Respondents did not oppose the withdrawal of the appeal but sought the costs of the appeal.

Analysis and Determination.

Issues

2. I have considered the record of appeal and the respective parties' oral submissions. The main issue that falls for determination is whether the court should award the Respondents' costs.

3. The court had not given directions to the hearing of the appeal, and all that had happened was that the parties attended court for mention for the purposes of the court giving directions on the hearing of the appeal.

i. In the court's view, the minimal costs for court attendance to be assessed by the Deputy Registrar would suffice as costs to the Respondents based on the fact that the appeal was withdrawn before directions on its hearing were given by the court.

ii. Orders accordingly.

DATED, SIGNED, AND DELIVERED AT KILGORIS THROUGH THE TEAMS APPLICATION, THIS 8TH DAY OF MAY, 2025

CHARLES KARIUKI

JUDGE

In the Presence of:

Court Assistant: Mr.nyangaresi