



REPUBLIC OF KENYA



**Mumanthi & another v Nduma (Miscellaneous Civil Application E010 of 2022) [2025] KEHC 6410 (KLR) (15 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 6410 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KERUGOYA  
MISCELLANEOUS CIVIL APPLICATION E010 OF 2022**

**EM MURIITHI, J**

**MAY 15, 2025**

**BETWEEN**

**GITMAN MUMANTHI ..... 1<sup>ST</sup> APPLICANT**

**BENJAMIN MASILA MUTUA ..... 2<sup>ND</sup> APPLICANT**

**AND**

**DOMIZIANA WANYAGA NDUMA ..... RESPONDENT**

**RULING**

1. By a Notice of Motion dated 26.7.2024 the applicant seeks judgment for taxed costs by specific relief that “this Honourable Court be pleased to enter judgment in favour of the Respondent from taxed costs of Kenya shillings One Hundred and Thirty Five Thousand, Six Hundred and Thirty (135,630/=).”
2. The Applicants/Respondents in the present Application seeks indulgence citing the acrimony between their shareholders of Insurer Direct Assurance leading to a caveat being placed on the bank transactions pending determination of cases on the dispute as deponed to in the replying affidavit of the 1<sup>st</sup> applicant sworn on 5.11.2024 and requests for 60 days to regularize the issue.
3. The taxed costs are the Party and Party costs following the dismissal of the applicant’s application herein by Ruling dated 14.12.2022 in terms that:

“23 Accordingly, the application fails, but the court having noted that some negotiations were ongoing, hereby allows another fourteen (14) days for such negotiations to proceed and conclude, during which period stay shall be extant. Thereafter, if the negotiations fail, execution shall proceed and no further applications for stay shall be entertained herein.



“24 The respondent shall have the costs of the application.”

4. This not being an Advocate/Client Bill of Costs, it would appear that the section 51(2) of the Advocates Act which allows the entry of judgement for costs does not apply.
5. What the Court may do is to confirm its decision that the application stands dismissed following failure of negotiations as set out in the Ruling of 14.12.2022 and thereafter the Respondents may proceed to extract the formal decision of the Court, which being a final order shall take the form of a Decree dismissing the application and awarding the costs of the application which have now been certified by the taxed certificate and may be recovered in the usual manner.

#### **Orders**

6. The Court certifies that following the Court ruling of 14/12/2022, and there being no successful negotiation on the matter, the application herein stands dismissed with costs assessed and certified at Ksh.135,630/=.
7. For the passage of time, the Court awards interests on the costs at 14% in terms of section 27 (2) of the Civil Procedure Act.
8. The applicant shall have their costs of this application to be agreed or taxed in the default of agreement.  
Order accordingly.

**DATED AND DELIVERED THIS 15<sup>TH</sup> DAY OF MAY 2025.**

**EDWARD M. MURIITHI**

**JUDGE**

Appearances:

Mr. Mugendi for the Respondent.

