



**Watare v Nyaga & another (Miscellaneous Civil Application  
E023 of 2024) [2025] KEHC 8808 (KLR) (19 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 8808 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KERUGOYA  
MISCELLANEOUS CIVIL APPLICATION E023 OF 2024**

**EM MURIITHI, J**

**JUNE 19, 2025**

**BETWEEN**

**MERCY NYAMBURA WATARE ..... APPLICANT**

**AND**

**FREDRICK NDICHU NYAGA ..... 1<sup>ST</sup> RESPONDENT**

**CHRISTOPHER NJANJA MURIMI ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. The Respondents do not oppose the application for withdrawal of the application subject to payment of costs of 35,000/=.
2. Costs follow in the event and that the applicant, having withdrawn his application, is liable to pay costs to the Respondents who she brought to court.
3. However, taking into account the value of the subject of the suit from which the application arises by a claim of Ksh.300,000/= but noting that Respondents filed an elaborate replying affidavit with multiple attachments in opposition to the present application, the court assesses the costs at Ksh.25,000/=.
4. The applicant shall pay the said sum of Ksh.25,000/= within thirty (30) days after which the costs shall attract interest at court rates of 14% in terms of section 27(2) of the *Civil Procedure Act*.
5. Mention for directions July 29, 2025

Order accordingly.

**DATED AND DELIVERED THIS 19<sup>TH</sup> DAY OF JUNE, 2025.**

**EDWARD M. MURIITHI**

**JUDGE**



**APPEARANCES:**

Applicant – Present in Person

Ms. Muturi for Respondents.

