



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT NAIROBI

ELC MISC. APP. NO. 196 OF 2018

RABALA & CO. ADVOCATES.....APPLICANT

VERSUS

TOM ODAGO OPIYO.....1ST RESPONDENT

MAANGI OTIENO & CO. ADVOCATES.....2ND RESPONDENT

RULING

1. This is the Notice of Motion dated 19th January 2021 brought under order 51 rule 1, order 21 rule 12 and order 22 rule 22 of the Civil Procedure Rules and under section 3A of the Civil Procedure Act Laws of Kenya.

2. It seeks orders:-

1. Spent.

2. Spent.

3. That this honourable court be pleased to allow the 1st respondent/applicant to pay the amount taxed Kshs.497,964/- in equal monthly instalments of Kshs.10,000/- till payment in full. The first instalment to be paid as may be ordered by the court.

4. That this honourable court be pleased to make such orders as it may deem fit and convenient for the end of justice.

5. That the costs of this application be provided for.

3. The grounds are on the face of the application and are set out in paragraphs (a) and (e).

4. The application is supported by the affidavit of Tom Odago Opiyo, the 1st respondent herein sworn on the 19th January 2021.

5. It appears the application is not opposed.

6. I have considered the application and the affidavit in support.

7. It is the 1st respondent's case that he is unable to settle the applicant's bill of costs due to the current economic constraints.

8. I find merit in the application and I grant the orders sought.

(a) That the 1st respondent/applicant is hereby allowed to liquidate the taxed costs in equal monthly instalments of Kshs. 30,000/- till payment in full with effect from 5th November 2021 and on the 5th day of each succeeding months. In default of any one instalment execution to issue.

(b) That costs of this application be borne by the 1st respondent/applicant.

It is so ordered.

Dated, signed and delivered in Nairobi on this 30th day of September 2021.

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L. KOMINGOI

JUDGE

In the presence of:-

Mr. Rabala for the Applicant

Mr. Amimo for Mrs. Otieno for the Respondents

Steve - Court Assistant