



Bruce Odeny & Co. Advocates v Pride Kings Security Services (Miscellaneous Civil Application E105 of 2023) [2024] KEHC 6997 (KLR) (11 June 2024) (Ruling)

Neutral citation: [2024] KEHC 6997 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CIVIL APPLICATION E105 OF 2023**

MS SHARIFF, J

JUNE 11, 2024

BETWEEN

BRUCE ODENY & CO. ADVOCATES APPLICANT

AND

PRIDE KINGS SECURITY SERVICES RESPONDENT

RULING

1. I have considered the Respondent's Notice of Motion dated 24.1.2024, the supporting affidavit sworn by Fredrick Mashuke on even date and I have considered the rival submissions of both Counsels for the Applicant and the Respondent.
2. I do note that the Applicant has made concession for prayer No. 3 of the application save that she prays that the bills of costs be transferred to the Deputy Registrar Employment and Labour Relations Court on grounds that this court being one of equal status as the Employment & Labour Relations Court has the requisite jurisdiction to do so.
3. Counsel for the Respondent has opposed the transfer of the said bills of costs in Misc. Case No. E106, E128 and E139/2023 on grounds that they were in the first instance filed in a court without jurisdiction wherefore this court lacks the requisite jurisdiction to transfer the same.
4. She moves that the said bills of costs be struck out given the want of jurisdiction. In any event the taxation of the same before a court without jurisdiction is the ground upon which the Respondent's Notice of Motion herein is premised on.
5. I am persuaded by the submissions of Counsel for the Respondent.
6. Whereas this is a court of equal status as the ELRC Court, we are no longer in transition period wherefore the Applicant being a law firm ought to have been acquainted with the provisions of Article 162 (2) (1) and thus allow the application herein and I make the following orders:-



1. In respect of this file the orders made by the Deputy Registrar High Court on 25.10.2023 are hereby set aside and the bill of costs dated 31.7.2023 is hereby struck out with costs to the Respondent assessed at Kshs.10,000 in respect of notice of motion dated 24.1.24.
2. In respect of Misc. E128 of 2023 the orders made by Deputy Registrar High Court on 25.10.2023 are hereby set aside and the bill of costs dated 14.8.2023 is hereby struck out with costs to the Respondent assessed at Kshs.10,000 in respect of the notice of motion dated 24.1.24.
3. In respect of Misc. E139 of 2023 the orders made by the Deputy Registrar High Court on 26.10.2023 are hereby set aside and the bill of costs dated 23.8.2023 is hereby struck out with costs to the Respondent assessed at Kshs.10,000 in respect of the notice of motion dated 24.1.24.

DATED, SIGNED AND DELIVERED THIS 11TH DAY OF JUNE, 2024.

M. S. SHARIFF

JUDGE

