



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT**

**AT KISUMU**

**APPEAL CASE NO 30 OF 2018**

**LEGIO MARIA CHURCH OF AFRICAN MISSION.....APPELLANT**

**VERSUS**

**MELKIO ODUOR OGOLLA.....1<sup>ST</sup> RESPONDENT**

**RULING**

On the 5<sup>th</sup> May 2020, the court found the appeal herein merited but was silent on costs of the appeal and dismissed the suit in the lower court with costs. The appellant filed a party and party bill of costs claiming ksh 200,035.00. On 29<sup>th</sup> May 2020 the respondents filed a notice of preliminary objection to the appellants party and party bill of costs dated 9<sup>th</sup> of May 2020 and filed in court on 11<sup>th</sup> May 2020 on the basis that the honourable judge did not award costs of the appeal to either party. The judgement was completely silent on the issue of costs of the appeal.

This court observes that the party and party bill of costs is before the deputy registrar and not this court and therefore the preliminary objection should be placed before the deputy registrar for determination. Parties to take a hearing date before the Deputy Registrar.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 7<sup>TH</sup> DAY OF OCTOBER, 2021**

**ANTONY OMBWAYO**

**JUDGE**

*This Ruling has been delivered to the parties by electronic mail due to measures restricting court operations due to the COVID-19 pandemic and in the light of the directions issued by his Lordship, the Chief Justice on 15<sup>th</sup> March 2020.*

**ANTONY OMBWAYO**

**JUDGE**