



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT MAKUENI**

**CIVIL APPEAL NO. 254 OF 2017**

**NZIOKA DAVID & ANOTHER.....APPLICANTS**

**VERSUS**

**JACINTA NDUKU MUSYOKI & ANOTHER.....RESPONDENTS**

**DIRECTIONS**

This court has been moved via letter dated 12/9/019 with an attached order of the Deputy Registrar of High Court, Makueni seeking directions on judgement tendered on 23/1/019 in regard to the costs of the appeal. Thus the court makes the following directions.

The court on clause III ordered that costs to the Appellant was to be taxed to the extent of the full award made at a rate of 20%. This means that, once the costs of award are taxed, the appellant will only get 20% of the same .The respondent is not getting any of the appeal costs. There was no award of costs to the Respondent.

Under Section 27 CPA Cap. 21. The court awards costs at its discretion. See also **Little African Kenya Ltd vs Andrew Mwiti Jason [2010] eKLR**. Courts Judgment was very explicit that only respondent was to get a token of 20% of costs payment in the appeal based on the final amount awarded by the court. Thus the Respondent cannot read in the words that if 20% of costs was given to the Appellant, automatically 80% must have been for Respondent's side.

The Deputy Registrar shall only entertain taxation on full award made by the court for costs to the stated party without further ado.

**DATED, SIGNED AND DELIVERED IN OPEN COURT AT MAKUENI THIS 11<sup>TH</sup> DAY OF OCTOBER, 2019.**

.....

**C. KARIUKI**

**JUDGE**