

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

MISCELLENEOUS CIVIL CASE NO. 41 OF 2019

IRENE SAMUEL ODHIAMBOAPPLICANT

VERSUS

ANGELINE ONYANGO OGUTU RESPONDENT

(an application for enlargement of time to file a Reference to Taxation of Costs from Bondo PM's Court ELC Case No 67 of 2018 before Hon E.N.Wasike, SRM dated 17th October, 2019

RULING

1. The application dated 12.11.2019 filed under Certificate of Urgency is supported by grounds on the face thereof and supporting affidavit of Irene Samuel Adhiambo sworn on 12.11.2019.
2. The application seeks for orders enlarging time for filing of a reference to this Court from the taxation of costs in **Bondo ELC No. 67 of 2018**.
3. The application is opposed by the Respondent relying on the grounds of opposition dated 19.11.2019.
4. I have considered the application which has been argued orally by both Counsel for the respective parties on record.
5. First and foremost, the Application must fail for the key reason that the pleadings and or application for taxation in the suit subject matter wherein the costs were taxed is not even attached to the affidavit in support. In addition, the taxation was done in an Environment and Land Court Case.
6. This Court has no jurisdiction to hear references from an Environment and Land Court Case.
7. That being the case, this application is misconceived and incompetently filed before this Court. ***The same is hereby dismissed.*** Each Party to bear their own costs.

Dated, Signed and Delivered at Siaya this 20th day of November, 2019.

R.E. ABURILI

JUDGE

In the presence of:

Mr. Ochanyo Advocate h/b for Mr. Kaingu Advocate for the applicant

Mr. Okanda Advocate h/b for Mr. Khayumbi Advocate for the Respondent

CA: Brenda and Modestar