

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

COMMERCIAL & ADMIRALTY DIVISION

HCCC NO. 36 OF 2019

ORANGE DEMOCRATIC MOVEMENT.....PLAINTIFF

VERSUS

ULTIMATE ENGINEERING LIMITED..... DEFENDANT

RULING

1. Costs follow the event.
2. Costs in this matter were ordered to the Defendant when this suit was withdrawn by the Plaintiff.
3. The pecuniary value of the subject matter is known and agreed. It is Kshs.170,000,000.00. The matter was not defended. No Defence was filed.
4. For that reason instruction fee on party and party costs would be Kshs.2,582,500.00. When the Defence counsel asks for Kshs.500,000.00 only as costs then he is reasonable. In fact generous.
5. I am inclined to order costs on the offer of Kshs.500,000.00 made by the Defence. That is my order on costs.

Dated, Signed and Delivered in Court at Nairobi this 2nd Day of December, 2019

F. TUIYOTT

JUDGE

PRESENT;

Makori for Oluoch for the Plaintiff

Olewe for the Defendant

Court Assistant: Nixon