



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
Where Legal Information is Public Knowledge

**Wamalwa Simiyu & Company Advocates v Kati & another (Environment and Land  
Miscellaneous Application E003 of 2020) [2025] KEELC 4647 (KLR) (19 June 2025) (Ruling)**

Neutral citation: [2025] KEELC 4647 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT BUNGOMA  
ENVIRONMENT AND LAND MISCELLANEOUS APPLICATION E003 OF 2020  
EC CHERONO, J  
JUNE 19, 2025**

**BETWEEN**

**WAMALWA SIMIYU & COMPANY ADVOCATES ..... APPLICANT**

**AND**

**PATRICK WAFULA KATI ..... 1<sup>ST</sup> RESPONDENT**

**JOSEPH WAFULA KATI ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. The Applicant vide the Notice of Motion dated 10th February 2025 is seeking the following orders;
  1. That the Honourable Court be pleased to convert the Certificate of costs dated 20/01/2025 into a decree and judgment together with interest at 14% p.a from 26/08/2022 until payment in full.
  2. That the costs of this Application be awarded to the Applicant.
2. The application is supported by the Affidavit of Edwin Simiyu Wamalwa advocate sworn on even date and grounds apparent on the face of the said application. A certificate of costs issued by the Deputy Registrar on 28/01/2025 is annexed to the supporting affidavit. The application is not opposed as no Replying affidavit nor grounds of opposition were filed. When the said application came for directions and after the Court confirmed that the Respondents were indeed served with the application, it directed that the application to proceed ex-parte.
3. From the supporting affidavit, Edwin Simiyu Wamalwa who is the Applicant herein deposed that the Deputy Registrar proceeded and taxed his bill of costs on 26/08/2022 at Ksh. 124, 005 and a certificate of costs was duly issued. He deposed that the said Certificate of costs has never been objected to by way of a Reference or otherwise. He deposed that one month has passed since the bill was taxed and that he is entitled to interest at 14% p.a on both disbursements and costs.



4. I have considered the application, the supporting affidavit, the grounds on the face of the said application, the annexure to the supporting affidavit and the applicable law. It is evident that a certificate of costs has been issued in favour of the Applicant dated 20<sup>th</sup> January, 2025 for Ks. 124, 005/ which has not been challenged by the Respondents despite having been duly served. I find that the application has merit and the same is allowed in the following terms;

1. The certificate of costs issued to the Applicant as against the Respondents on 20<sup>th</sup> January 2025 is hereby converted into a judgment and decree of this Court and consequently, judgment is entered for the Applicant against the Respondents for Ksh. 124,005/=
2. Interest on the sum of Ksh. 124,005/= do accrue at the rate of 14% per annum, from 26<sup>th</sup> August 2022 until payment in full.
3. Costs of this application are awarded to the Applicant.

**DATED, DELIVERED AND SIGNED AT BUNGOMA THIS 19<sup>TH</sup> DAY OF JUNE 2025.**

**HON.E.C CHERONO**

**ELC JUDGE**

In the presence of;

1. Applicant/Advocate-absent.
2. Respondent/Advocate-absent.
3. Bett C/A.

