



**Peroh v Peroh & 3 others (Environment and Land Case  
89 of 2019) [2025] KEELC 5212 (KLR) (13 June 2025) (Ruling)**

Neutral citation: [2025] KEELC 5212 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO  
ENVIRONMENT AND LAND CASE 89 OF 2019**

**MD MWANGI, J  
JUNE 13, 2025**

**BETWEEN**

**MICHAEL PEROH ..... PLAINTIFF**

**AND**

**ISHMAEL MOSHI PEROH ..... 1<sup>ST</sup> DEFENDANT**

**WINIFRED MOSHI PEROH ..... 2<sup>ND</sup> DEFENDANT**

**ISAAC PEROH ..... 3<sup>RD</sup> DEFENDANT**

**SPEPHEN PEROH ..... 4<sup>TH</sup> DEFENDANT**

**RULING**

In respect of the preliminary objection dated 19th Mrch 2025 by the Plaintiff/Respondent against the reference by the Defendants for failure to comply with rule 11(4) of the Advocates Remuneration Order

1. This ruling is in respect of the Plaintiff's preliminary objection dated 19<sup>th</sup> March 2025 against the Defendants' reference dated 14<sup>th</sup> January 2025. The objection is framed as follows;
  - I. The application dated 14<sup>th</sup> January 2025 is fatally defective and bad in law;
  - II. The application dated 14<sup>th</sup> January 2025 is bad in law and fatally defective for failing to comply with paragraph 11 of the *Advocates Remuneration Order*;
  - III. The application dated 14<sup>th</sup> January 2025 is bad in law and fatally defective for failing to comply with paragraph 11(1) of the *Advocates Remuneration Order*; and
  - IV. The application is incompetent, misconceived, lacks merit and is an abuse of the court process and the same ought to be dismissed with costs.



2. Parties submitted on the preliminary objection as directed by the court. Their submissions from part of the record of this court.
3. A careful look at the submissions filed discloses that the gravamen of the preliminary objection is that the reference by the Defendants was filed out of the time provided for under rule 11(4) of the *Advocates Remuneration Order* for filing a reference against the decision of a taxing officer. The impugned decision of the taxing officer was delivered on 9<sup>th</sup> December 2024 whereas the reference was filed on 14<sup>th</sup> January 2025. The question that the court is being called upon to address is whether the reference by the Defendants offends the provisions of rule 11(4) of the *Advocates Remuneration Order*.
4. From my analysis of the submissions by the parties, both sides did not consider the import of the provisions of Order 50 rule 4 of the *Civil Procedure Rules*. The rule provides that;

“ Except where otherwise directed by a judge for reasons to be recorded in writing, the period between the 21<sup>st</sup> day of December in any year and the 13<sup>th</sup> January in the year next following, both days included, shall be omitted from any computation of time (whether under these rules or any order of the court) for amending, delivering or filing of any pleading or doing of any other act.”
5. Applying the above provision, the reference by the Defendants can not be said to have been filed outside the timelines provided for under rule 11(4) of the *Advocates Remuneration Order*. It was filed within ten (10) days of the delivery of the decision of the taxing officer.
6. That said, the Plaintiff’s preliminary objection has no legal basis. It is dismissed with costs to the Defendants.

It is so ordered.

**DATED SIGNED AND DELIVERED AT KAJIADO VIRTUALLY THIS 13<sup>TH</sup> DAY OF JUNE 2025.**

**M.D. MWANGI**

**JUDGE**

In the virtual presence of:

Mr. Wamae h/b for Ms. Githogori for the Plaintiff

Mr. Lagat h/b for Ms. Mukobi for the Defendants

Court Assistant: Mpoye

