



Anyumba & Associates Advocates v Mchembere (Environment and Land Miscellaneous Application E033 of 2022) [2025] KEELC 6253 (KLR) (25 September 2025) (Ruling)

Neutral citation: [2025] KEELC 6253 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KISUMU
ENVIRONMENT AND LAND MISCELLANEOUS APPLICATION E033 OF 2022
E ASATI, J
SEPTEMBER 25, 2025**

BETWEEN

ANYUMBA & ASSOCIATES ADVOCATES APPLICANT

AND

WALTER OTIENO MCHEMBERE RESPONDENT

RULING

1. This ruling is in respect of the Notice of Motion application dated 16th October, 2023 brought by the Applicant pursuant to the provisions of sections 1A, 1B, 3, 3A & 63(e) of the Civil Procedure Act, Order 51 of the Civil Procedure Rules 2010 and Section 51 of the Advocates Act.
2. Only prayers 3 and 4 are still outstanding, prayers 1 ad 2 having been handled by the Deputy Registrar. Prayers 3 and 4 of the application seek for orders that the honourable court be pleased to enter judgement in favour of the applicant against the Respondent in terms of the certificate of taxation and that costs of the application be borne by the Respondent.
3. The grounds upon which the application was brought are that the advocates costs in the matter were taxed at Kshs 143,821 on 12/10/2023, that to date the Respondent has failed, refused and/or declined to pay the applicant's costs, that it is mandatory for the court to enter judgement before the applicant can take out a Notice to Show Cause against the respondent.
4. The application was supported by the contents of the supporting affidavit sworn by George Anyumba to which was annexed a certificate of taxation dated 12th October, 2023 and issued on 12th August, 2024 in favour of the Applicant and against the Respondent. The amount of the taxed costs shown in the certificate of taxation is Kshs.127,795.40.
5. There is no evidence that the certificate of taxation has been challenged or varied. There is no evidence of any reference pending against the taxation.



6. The application was unopposed. Affidavits of service sworn by George O. Anyumba on 17th May 2025 and 30th May 2025 show that the Respondent was served with the application.
7. Section 51(2) of the *Advocates Act* empowers the court to make an order that judgement be entered for the sum certified to be due with costs. I have read and considered the application. There is no evidence of settlement of the taxed costs. I find that the application is merited. I allow the application and hereby enter judgement in favour of the applicant on the basis of the certificate of costs dated 12th October, 2023 for Kshs.127,795.40 and interest thereon at court rates. Costs of the application are awarded to the applicant.

Orders accordingly.

RULING, DATED AND SIGNED AT KISUMU, READ VIRTUALLY THIS 25TH DAY OF SEPTEMBER, 2025 THROUGH MICROSOFT TEAMS ONLINE APPLICATION.

E. ASATI,

JUDGE.

In the presence of:

Maureen: Court Assistant.

No appearance for the Applicant.

No appearance for the Respondent.

