



Mwangi/Raydon Mwangi & Associates v Rehal (Family Miscellaneous Application E039 of 2023) [2025] KEHC 13777 (KLR) (1 October 2025) (Ruling)

Neutral citation: [2025] KEHC 13777 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
FAMILY MISCELLANEOUS APPLICATION E039 OF 2023**

**JM NANG'EA, J
OCTOBER 1, 2025**

BETWEEN

**PETER RAYDON MWANGI/RAYDON MWANGI &
ASSOCIATES APPLICANT**

AND

JESVIR SINGH REHAL RESPONDENT

RULING

1. By Notice of Motion dated 3/12/2024 the Applicant seeks reliefs as hereunder;-
 1. That the Court be pleased to order that the amount of Kenya Shillings One Million Three Hundred and Four Thousand Eight Hundred and Forty Shillings (Kshs. 1,304,840.00/=) only certified on the certificate of costs dated 21st November, 2024 be adopted as judgment against the Respondent.
 2. That a Decree be issued in respect of the certificate of costs and that the Applicant be at liberty to execute for recovery of the same in such manner as Decree of this Honourable Court.
 3. That the costs of this Application be borne by the Respondent.
2. The Application is supported by affidavit of the Applicant (Peter Raydon Mwangi Advocate). It is averred that the application seeks enforcement of a Certificate of Costs dated 21/11/2024 issued in favour of the Applicant by Ruling dated 31/6/2024 delivered by the Deputy Registrar of this court on taxation of Advocate/Client Bill of Costs dated 17/7/2023. The Certificate of Costs is in the sum of Kshs 1,304,840/=.
3. The Respondent opposes the Application vide his affidavit in reply. He contends that the same is brought in bad faith to defeat his own Miscellaneous Application Number 269 of 2023 dated 10/8/2023 then scheduled for submissions before this court on 18th June 2025. The Respondent



therefore contends that if this application is allowed he would be adversely affected, particularly since it is alleged that the Applicant holds his money collected from Land parcel No. Nakuru/Municipality/Block 3/31. According to the Respondent, the Applicant needs to account for rent collected on this property first before this application is considered.

4. The said separate Miscellaneous Application No. 269 of 2023 seems to seek enforcement of orders issued in the lower court file No. Nakuru CMCC 388 of 2014 between substantially the same parties.
5. The parties made oral submissions through their advocates which I have considered. The two applications relate to different litigation pending before different courts and therefore the question of sub judice or res judicata does not arise contrary to the Respondent's submissions. If the Respondent herein is claiming/pleading set off this does not prevent this court from considering the application before it.
6. The Application dated 3rd December 2024 is accordingly allowed with costs.

J. M. NANG'EA, JUDGE.

Ruling delivered this 1st day of October, 2025 in the presence of:

The Applicant's Advocate, Mr. Chaungo for Mr. Mwangi

The Respondent's Advocate, Absent

The Court Assistant (Jeniffer)

J. M. NANG'EA, JUDGE.

