



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

ELC LAND MISC CASE NO. E047 OF 2024

**GRACE KATHURE KIMATHI1ST
APPLICANT**

**PRISCILLA MWARANIA NTHUKU.....2ND
APPLICANT**

**FELICITY MAKATHIMO KAIGONGI.....3RD
APPLICANT**

=VERSUS=

**FRANCIS MBURU MAKATHIMO alias
ITANGATA
MAKATHIMORESPONDENT**

**RULING
(EX-TEMPORE)**

1. Before court for ruling is the notice of motion dated 23/9/2025. Through it, the applicants initially sought to be allowed to settle the taxed costs in monthly instalments of Kshs 10,000/=.

- 2.** At the hearing of the application, the proposal was adjusted to: (i) Kshs.40,000 payable on or before 24/10/2025; (ii) Kshs 20,000 payable in November 2025; (iii) Kshs 15,000 payable in December 2025; and (iv) the balance to be paid in January 2026.
- 3.** The respondent opposed the application principally on the ground that, not too long ago, the applicants were awarded costs of Kshs 119,395 against the respondent in a different case and they declined the respondent's offer for a set-off. Counsel insists on two instalments. In her rejoinder, counsel for the applicants argued that the said costs were settled in three monthly instalments.
- 4.** The court has considered the application. There are no convoluted legal issues in the matter. The applicants have asked to settle the award in instalments. Taking the proposal and the counter-proposal into account, and considering that the applicants received costs from the respondents not too long ago, the court comes to the view that the following three instalments will be reasonable and accommodative:

 - (i) Kshs 40,000 to be paid on or before 24/10/2025.
 - (ii) One half of the balance to be paid or before 24/11/2025.
 - (iii) The balance to be paid on or before 24/12/2025.
- 5.** In addition, the applicants shall pay costs of the present application, assessed at Kshs. 10,000. The said costs shall

be paid alongside the last instalment. It is so ordered. In default of compliance, execution shall issue.

DATED, SIGNED AND DELIVERED AT MERU THIS 22ND DAY OF OCTOBER, 2025

B M EBOSO

JUDGE

ORIGINAL