



REPUBLIC OF KENYA



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Kimani v Njeri and Mbote (The legal representatives of the Estate of William Njoroge Mbote) & another (Environment and Land Case E023 of 2022) [2025] KEELC 7719 (KLR) (10 November 2025) (Ruling)

Neutral citation: [2025] KEELC 7719 (KLR)

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MURANGA
ENVIRONMENT AND LAND CASE E023 OF 2022
MN GICHERU, J
NOVEMBER 10, 2025

BETWEEN

NANCY WAMBUI KIMANI PLAINTIFF

AND

JACQUELINE ANN NJERI & WANJIRU MBOTE (THE LEGAL REPRESENTATIVES OF THE ESTATE OF WILLIAM NJOROGE MBOTE) 1ST DEFENDANT

EMILY WANJIRU MBOTE 2ND DEFENDANT

(In the Matter of the Party and Party Bill of Costs dated 22/02/2024 and Application for Stay of Execution pending the hearing and determination of the Reference from the Ruling delivered on 12/03/2025 by Hon. Amelea Awino Okullo, Deputy Registrar, Murang'a Environment and Land Court in Party and Party Bill of costs in ELC Case No.E023 of 2022)

RULING

1. This ruling is on the Chamber Summons dated 17-3-2025. The summons seeks two residual orders.
 3. The decision of the Deputy Registrar contained in the ruling delivered on 22-2-2024 be taxed a fresh.
 3. The costs of this application be provided for.
2. The summons is brought under Sections 1A, 1B and 3A of the *Civil Procedure Act*, Order 21 rule 9A of the Civil Procedure Rules, Rule 11 of the Advocates Remuneration order and all other enabling provisions of the law.



3. The motion is based on five(5) grounds and is supported by an affidavit sworn by the Applicant dated 17-3-2025. The gist of the summons is as follows. One, the learned Deputy Registrar delivered a ruling on 12-3-2025 with respect to the party to party bill of costs dated 22-2-2024. Two, the Deputy Registrar made a final assessment of a substantial amount of Kshs. 313,950.00 and the Applicant is in imminent threat of execution following the orders consequent to the decision. Three, the Applicant is dissatisfied with the final assessment contained in the Deputy Registrar's ruling which assessment is based on a clear error of principle. Four, it is in the interest of justice that there be a stay of execution herein and no prejudice will be suffered by the Respondent.
4. On 8-7-2025, the Court allowed prayer 2 of the summons which sought a stay of execution. There was however one condition which was that the Applicant pays Kshs. 260,000/= plus VAT to the Respondent within 30 days, i.e. by 8-8-2025. This was pursuant to the Applicant's counsel conceding to pay that amount.
5. It is the duty of the Deputy Registrar to tax bills of costs. This Court has a very limited role in the taxation of party to party and client/advocate bill of costs. The procedure for objection on taxation is provided for under Rule 11 of the Advocates Remuneration Order.

Rule 11(1) provides as follows.

- “(1) Should any party object to the decision of the taxing officer, he may within 14 days after the decision give notice in writing to the taxing officer of the items of taxation to which he objects.
- (2) The taxing officer shall forthwith record and forward to the objector the reasons for his decision on those items and the objector may within 14 days from receipt of the reasons apply to a judge by chamber summons, which shall be served on all the parties concerned, setting out the grounds of his objection.
- (3) Any person aggrieved by the decision of the judge upon any objection referred to such judge under subsection(2) may, with leave of the judge but not otherwise appeal to the Court of Appeal.”

6. Looking at the concatenation of events in this, one finds that the ruling by the Deputy Registrar was on 12-3-2025. The Applicant was expected to give notice of her objection to the decision of the Deputy Registrar within 14 days. Secondly, the Deputy Registrar was supposed to give her reasons for taxing the bill of costs the way she did within another 14 days. Thirdly, it was only after this that the Applicant would properly invoke the jurisdiction of this Court. As it is now, the Deputy Registrar has not given any reasons for her decision on any of the items to warrant the Applicant coming to this court to seek any orders.
7. For the above stated reasons, I find no merit in the chamber summons dated 17-3-2025 and I dismiss it with costs.

It is so ordered.

DATED, SIGNED AND DELIVERED VIRTUALLY AT MURANG'A THIS 10TH DAY OF NOVEMBER, 2025.

M.N. GICHERU JUDGE.

Delivered online in the presence of; -

Court Assistant – Mwangi Njonjo



Applicant's Counsel – Miss Ooga holding brief

2nd Respondent's Counsel – Miss Mutava holding brief

