REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL DIVISION

CIVIL CASE NO. E004 OF 2023

MICHAEL MAERI…….. APPLICANT

=VERSUS=

DOUGLAS JUMA ONDUSO……1ST RESPONDENT

GEOSPOTHE CONCEPTS LTD……2ND RESPONDENT

RULING

1. This suit proceeded to court-annexed mediation. The said mediation reached a partial settlement. Which the parties signed. The mediation settled only one limb of the Plaintiff's claim in this suit. Namely, the principal sum of USD104,455/21. The principal sum having by the said settlement, been agreed on, the only remaining issues are:
    (a) Interest; and
    (b) The costs of this suit.
2. As for costs, costs will usually follow the event, even though they are also at the discretion of the court. In this particular case, the Plaintiff having been successful in this litigation and the end suit having been in his favour, he is hereby awarded the costs of this suit.
3. On 20th May 2025, this Court directed that these two issues be canvassed by way of written submissions. Parties later filed their respective submissions on the issues. This Court

has considered both submissions. It also notes that the said partial consent, was recorded and adopted by the Deputy Registrar (Hon. E. WAMBO). As the same was adopted by the Deputy Registrar and not a Judge, it needed to be adopted by a Judge. The said consent is hereby now adopted as an order of this Court and judgment is hereby entered for the Plaintiff as against the Defendant, for the said sum of USD104,455/21 the amount in the said partial settlement.

4. This Court having in this ruling awarded the Plaintiff the costs of this suit, the quantum of the costs shall be agreed upon by the parties through mutual consent within 30 days from the date of this ruling. In the absence of a consent on the same, the Plaintiff shall be at liberty to file a Party and Party Bill of Costs, for taxation.
5. On the issue of interest, this Court hereby awards the Plaintiff, interest on the principal sum at the court rates of 14% per annum, to run from the date of filing of this suit, until payment in full.

DATED and DELIVERED at NAIROBI on this 4th day of December 2025.

PROF (DR) NIXON SIFUNA

JUDGE