



**Siganga & Company Advocates v Okello (Miscellaneous Case
E016 of 2023) [2024] KEELC 3844 (KLR) (14 May 2024) (Ruling)**

Neutral citation: [2024] KEELC 3844 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KISUMU
MISCELLANEOUS CASE E016 OF 2023**

RE ABURILI, J

MAY 14, 2024

BETWEEN

SIGANGA & COMPANY ADVOCATES CLAIMANT

AND

PAMELA ADHIAMBO OKELLO RESPONDENT

RULING

1. This matter from the citation, proceedings and the Bill of Costs dated 16th May 2023 is an ELC matter. I say so because on the face of the Bill of Costs, the advocate clearly states that the Bill was for services rendered in Kisumu HCELC No. 178 of 2013 and Kisumu Cmelc No. 366 of 2018.
2. It follows that the submissions by Mr. Siganga Advocate before Hon. Esther Asati J on 7th December 2023 which led to the transfer of the file from ELC to High Court Deputy Registrar of the High Court was misleading.
3. In addition, despite the file being a transferred file from ELC to High Court, the High Court never opened a file of its own meaning there is no registration of this file in our High Court system (CTS).
4. Third, is that the Deputy Registrar of the High Court proceeded to tax the Advocate/Client Bill of Costs without calling for the principal files cited in the Bill of Costs where the legal services were allegedly rendered.
5. The question is, where did the Deputy Registrar get proof of such services rendered?
6. The file is now before me for adoption of the Certificate of Costs dated 29th February 2024.
7. I am unable to adopt that certificate of costs as judgment of this court because the Deputy Registrar in taxing the Bill of Costs as if it was a High Court matter when it was a purely ELC matter as stated above acted in error and without jurisdiction. Secondly, there was no basis upon which the items in the bill were allowed in the absence of the parent ELC files.



8. For the above reasons, I set aside and quash the taxation and Ruling on taxation dated 29th February 2024 delivered by the Deputy Registrar of this court and further set aside the Certificate of Costs dated 29th February 2024 and direct that this file be returned to the ELC for further directions.
9. I have taken the liberty to brief my sister Justice Esther Asati, who transferred the file to the High Court, of the discovery that I have made in this file.
10. From this end, the file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 14TH DAY OF MAY, 2024

R. E. ABURILI

JUDGE

