



Manyonge Wanyama & Associates LLP v County Secretary, County Government of Kericho & 2 others (Miscellaneous Application E011 of 2023) [2024] KEELRC 716 (KLR) (3 April 2024) (Ruling)

Neutral citation: [2024] KEELRC 716 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT KERICHO
MISCELLANEOUS APPLICATION E011 OF 2023**

DN NDERITU, J

APRIL 3, 2024

BETWEEN

MANYONGE WANYAMA & ASSOCIATES LLP APPLICANT

AND

**COUNTY SECRETARY, COUNTY GOVERNMENT OF KERICHO 1ST
RESPONDENT**

**CHIEF OFFICER FINANCE, COUNTY GOVERNMENT OF
KERICHO 2ND RESPONDENT**

**COUNTY EXECUTIVE COMMITTEE MEMBER FOR FINANCE, COUNTY
GOVERNMENT OF KERICHO 3RD RESPONDENT**

RULING

1. In a notice of motion dated 30th October, 2023 (the application) the applicant, a law-firm, is seeking for the following orders –
 1. That this Honourable Court be pleased to order that the Certificate of Costs dated 16th March, 2023 issued by Hon. Aziza Ajwang to the Applicant as against the Respondents in Kericho Misc. Application No. E018 of 2022: Manyonge Wanyama & Associates LLP versus The County Government of Kericho arising from Kericho ELRC Petition No. 14 of 2020: Richard Kipyegon Kitur versus County Public Service Board, Kericho County and 2 Others for the sum of Kenya Shillings Two Million, five Hundred and Thirty-Four Thousand, Six Hundred and Sixty-Nine (Kshs.2,034,669/=) be adopted into judgment and decree of this court.
 2. That the Applicant be allowed to execute the judgment herein against the Respondents, that is: The County Secretary, County Government of Kericho, The Chief Officer Finance, County



Government of Kericho and County Executive Committee Member for Finance, County Government of Kericho.

3. That the cost of this Application be provided for.
2. The application is expressed to be brought under section 51(2) of the Advocates Act and it is based on the grounds on the face of it.
3. The application is supported with the affidavit of PETER WANYAMA, Advocate, and the managing partner of the applicant, sworn on even date with several annexures thereto.
4. The application follows taxation of advocate/client bill of costs dated 13th October, 2023 wherein the applicant's costs against the respondents/clients for legal services rendered were taxed at Kshs.2,034,669/= on 16th March, 2023 (Aziza Ajwang, DR) and a certificate of costs issued on even date. The certificate of costs is exhibited as an annexure.
5. On 28th November, 2023 when the application came up in court for hearing Miss Kyalo appeared for the applicant and Miss Laboso appeared for the respondents. Amongst other directions issued, it was agreed that the application be canvassed by way of written submissions. The respondents were allocated time to file their responses to the application and for their counsel to file written submissions.
6. The respondents did file a replying affidavit sworn by GIDEON MUTAI, the County Attorney, on 27th November, 2023. In the replying affidavit the debt is acknowledged and admitted and it is stated that the same will be settled once funds are available. Counsel for the respondents did not file written submissions as agreed and directed on 28th November, 2023. Counsel for the applicant filed written submissions on 18th December, 2023.
7. Essentially, therefore, the application is not opposed. The court has gone through the application, the supporting affidavit, and the submissions by counsel for the applicant. The facts as set out by the applicant are not opposed or disputed. The ruling of the taxing master, the certificate of costs, and the certificate for order on costs against the government are all annexed to the application and stand unchallenged. Also annexed to the application is a notice by the applicant dated 19th April, 2023 demanding payment of the taxed costs from the respondents.
8. I have gone through the submissions by counsel for the applicant and the court agrees that in the circumstances judgment be entered against the respondents, jointly and severally, in the sum of Kshs.2,034,669/= with interest thereon at court rates from 16th March, 2023, the date of taxation, till payment in full.
9. The applicant is awarded costs of the application which are hereby granted at Kshs.20,000/=.
10. The applicant is hereby allowed to execute against the respondents for the amounts due and payable in accordance with the law.

DELIVERED VIRTUALLY, DATED, AND SIGNED AT NAKURU THIS 3RD DAY OF APRIL, 2024.

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DAVID NDERITU

JUDGE

