



**Manyonge Wanyama & Associates LLP v County Secretary, County Government of Kericho & 2 others (Miscellaneous Application E012 of 2023) [2024] KEELRC 728 (KLR) (3 April 2024) (Ruling)**

Neutral citation: [2024] KEELRC 728 (KLR)

**REPUBLIC OF KENYA  
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT KERICHO  
MISCELLANEOUS APPLICATION E012 OF 2023**

**DN NDERITU, J**

**APRIL 3, 2024**

**BETWEEN**

**MANYONGE WANYAMA & ASSOCIATES LLP ..... APPLICANT**

**AND**

**COUNTY SECRETARY, COUNTY GOVERNMENT OF KERICHO .... 1<sup>ST</sup>  
RESPONDENT**

**CHIEF OFFICER FINANCE, COUNTY GOVERNMENT OF  
KERICHO ..... 2<sup>ND</sup> RESPONDENT**

**COUNTY EXECUTIVE COMMITTEE MEMBER FOR FINANCE, COUNTY  
GOVERNMENT OF KERICHO ..... 3<sup>RD</sup> RESPONDENT**

**RULING**

1. In a notice of motion dated 30<sup>th</sup> 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 16<sup>th</sup> 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 v The County Government of Kericho* arising from Kericho ELRC Petition No. 13 of 2017: *Richard Kipyegon Kitur v County Public Service Board, Kericho County and 2 Others* for the sum of Kenya Shillings One Million, five Hundred and Sixty-Two Thousand, Two Hundred and Fifty-Nine (Kshs.1,562,259/=) 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 13<sup>th</sup> October, 2023 wherein the applicant's costs against the respondents/clients for legal services rendered were taxed at Kshs1,562,259/= on 16<sup>th</sup> 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 28<sup>th</sup> 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. However, the respondents did not file a replying affidavit and their counsel did not file written submissions as agreed and directed on 28<sup>th</sup> November, 2023. Counsel for the applicant filed written submissions on 18<sup>th</sup> 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 19<sup>th</sup> 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.1,562,259/= with interest thereon at court rates from 16<sup>th</sup> 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 3<sup>RD</sup> DAY OF APRIL, 2024.**

**DAVID NDERITU**

**JUDGE**

