



REPUBLIC OF KENYA



China Communication Construction Company v Abdi & another (Environment and Land Appeal E008 of 2021) [2024] KEELC 6483 (KLR) (30 September 2024) (Ruling)

Neutral citation: [2024] KEELC 6483 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT ISIOLO
ENVIRONMENT AND LAND APPEAL E008 OF 2021
PM NJOROGE, J
SEPTEMBER 30, 2024**

BETWEEN

CHINA COMMUNICATION CONSTRUCTION COMPANY APPELLANT

AND

HUSSEIN ABDI 1ST DEFENDANT

DAUD TANO 2ND DEFENDANT

RULING

1. Advocate Caleb Mwiti holding brief for Advocate Kibaara and Advocate Mwirigi Mbaya holding brief for Advocate Abdullahi asked the court to adopt a consent they presented to court as the final order of the court. The consent reads as follows;

The Appellant's Reference dated 13th May, 2024 be allowed in the following terms;

- i. The Ruling delivered by the Honourable Maureen Odhiambo on 16th April, 2024 on the Respondents' Bill of Cost dated 8th March, 2024 be hereby set aside in its entirety and the Respondents' Party and Party costs of the Appeal be taxed at Kes. 120,000.
- ii. The Appellant do pay the Kes. 120,000 to the Respondent within 14 days of the date of the consent.

In the event of default in compliance with condition 1 above, execution do issue for the entire balance then outstanding inclusive of interest at the rate of 12% per annum.

2. I find that the consent is properly executed by the partys' Advocates.
3. In the circumstances, this consent is hereby adopted as a final Order of this court.
4. The 14 days within which the appellant will pay the apposite costs will commence today.



DELIVERED IN OPEN COURT AT ISIOLO THIS 30TH DAY OF SEPTEMBER, 2024 IN THE PRESENCE OF:

Court assistant: Balozi/Rahma

Caleb Mwiti holding brief for Kibaar for the Appellant.

Mwirigi Mbaya holding brief for Abdullahi for the Respondent.

HON. JUSTICE P.M NJOROGE

JUDGE

