



PI Samba & Company Limited v Linear Credit Limited & another (Environment & Land Case E170 of 2022) [2024] KEELC 7357 (KLR) (29 October 2024) (Ruling)

Neutral citation: [2024] KEELC 7357 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE E170 OF 2022
MD MWANGI, J
OCTOBER 29, 2024**

BETWEEN

PI SAMBA & COMPANY LIMITED ADVOCATE

AND

LINEAR CREDIT LIMITED 1ST CLIENT

TARU RANCHERS LIMITED 2ND CLIENT

RULING

1. In the course of preparing its ruling in respect to the Chamber Summons application dated 4th December 2023, this court has been confronted with a critical issue that it must determine; whether it was within the Taxing Master's jurisdiction to determine the existence or otherwise of an Advocate-Client relationship in the cause of taxing the Advocate-Client bill of costs filed in this matter by the law firm of P.I Samba & Company Advocates.
2. The question is critical because in the ruling that the Advocate seeks to challenge through this reference dated 20th November 2023, the Taxing Master declined to tax the Advocate-Client bill of costs on the premises of the non-existence of an Advocate-Client relationship between the Advocate and the Client/Respondent.
3. None of the parties has submitted on the issue in their written submissions. I therefore find it appropriate in the spirit of the provisions of Article 50 of *the Constitution* to allow the parties an opportunity to submit on the issue before pronouncing myself on it.



4. I cannot over-emphasize on the importance of the issue of jurisdiction in any proceedings. The Court of Appeal in the case of Kakuta Maimai, Hamisi -v- Peris Pesi Tobiko & 2 others (2013) eKLR, articulated on the issue of jurisdiction stating that,

“So central and determinative is the question of jurisdiction that it is at once fundamental and over- arching as far as any judicial proceeding is concerned. It is a threshold question and best taken at inception. It is definitive and determinative...”

5. The question of jurisdiction of the court is so fundamental that it can be raised at any stage of the proceedings, even on appeal, by any party or even by the court suo moto.

6. I will therefore allow the parties 14 days to file further submissions on that issue of jurisdiction alone.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 29TH DAY OF OCTOBER 2024

M.D MWANGI

JUDGE

In the Virtual Presence of:-

Ms. Samba for the Applicant

Mr. Kamani for the 1st Respondent

Mr. Mutegi for the 2nd Respondent

Court Assistant: Yvette

M.D. MWANGI

JUDGE

