

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT OF KENYA AT NAIROBI

CAUSE NO 1285 OF 2012

DAVID KAHURU MBURU.....CLAIMANT

VERSUS

SBI INTERNATIONAL HOLDING AG KENYA.....RESPONDENT

RULING

1.The claimant herein seeks an order that the decision of the taxing officer delivered on 8th December, 2017 be set aside and that the Bill of Costs be remitted back for taxation before a different taxing officer. The applicant argued that the taxing officer erred in law and in principle in failing to appreciate that costs follow the event.

2. In her brief ruling the Deputy Registrar refused to proceed with the taxation of the bill of costs for the reason that the Advocates Remuneration Order does not apply to the claimant who was acting in person. The learned Deputy Registrar also noted that the claimant was not awarded costs in the judgement of the Court.

3.The Court has considered the application side by side with ruling of the Honourable Deputy Registrar and is of the view that the Deputy Registrar was right in refusing to proceed with taxation of the Bill of Costs since the Advocates Remuneration Order which is used as a basis for taxation of Bill of Costs is not applicable to a party acting in person.

4.The application is found without merit and is hereby dismissed.

5. It is so ordered.

Dated at Nairobi this 1st day of March, 2019

Abuodha Jorum Nelson

Judge

Delivered this 1st day of March, 2019

Abuodha Jorum Nelson

Judge

In the presence of:-

.....for the Claimant and

.....for the Respondent.

Abuodha J. N.

Judge