



Central Farmers Garage v Kenya Airports Authority (Judicial Review Application 442 of 2015) [2025] KEHC 4230 (KLR) (Judicial Review) (25 March 2025) (Ruling)

Neutral citation: [2025] KEHC 4230 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
JUDICIAL REVIEW APPLICATION 442 OF 2015
RE ABURILI, J
MARCH 25, 2025**

BETWEEN

CENTRAL FARMERS GARAGE APPLICANT

AND

KENYA AIRPORTS AUTHORITY RESPONDENT

RULING

1. The application dated 1st August 2024 is brought under the provisions of section 51(2) of the *Advocates Act*, Order 51 Rule (1) of the Civil Procedure Rules and all other enabling laws.
2. The applicant seeks orders that judgment be entered and decree do issue for the sum of Kshs 2,805,016.67 as taxed and certified by the Deputy Registrar as due to the applicant; that the applicant be at liberty to execute against the respondent and that costs of the application be borne by the respondent.
3. The grounds in support of the application are on the face thereof more importantly, that there is no dispute as per the ruling of the Deputy Registrar that the costs as assessed are due.
4. In the supporting affidavit, the applicant's counsel Karuga Maina deposes that the costs as assessed are as a result of the judicial review application which was allowed with costs to the applicant, upon which the applicant filed a bill of costs which was taxed in the amount stated above and that no reference has been filed to challenge the certificate of taxation yet the respondent has refused to settle the taxed costs hence the application herein. The applicant annexes the certificate of costs dated 18th April, 2024 for the costs taxed on 27th February, 2024.
5. There is no objection filed to challenge the application. The respondent's counsel informed the court that the respondent had not filed a response because it is committed to paying the taxed costs and that



funds had just been availed and they had asked for the applicant's advocates' Banks details and as soon as they receive the same, the payment would be paid by close of business the following day. That the respondent is a government institution which relies on the exchequer.

6. The court reserved the matter for ruling and implored the respondent to process payment, noting that the application had been pending in this court since August, 2024 with promises to pay in vain.
7. I have considered the application and the fact that there is no pending objection to the certificate of costs issued by the Deputy Registrar on 18th April 2024. The respondent being a government public institution, the respondent can only be allowed to execute for recovery of costs if the applicant has a certificate of order for costs against the government and stipulated in section 21 of the Government Proceedings Act. Even the mode of execution is restricted by statute at section of the Kenya Airports Authority meaning, the applicant can only pursue the execution process for recovery of these costs through judicial review orders or mandamus to compel the respondent to settle the decree and order for costs against the Government.
8. For the above reasons, I find the application dated 1st August 2024 to be merited and I make the following orders:
 1. That judgment be and is hereby entered for the applicant against the respondent in the sum of Kshs 2,805,016.67 being party and party costs taxed on 27th February 2024 in favour of the applicant as per the certificate of costs dated 18th April, 2024.
 2. That decree and certificate of order against the Government do issue forthwith.
 3. In order to avoid escalation of costs, each party to bear their own costs of this application.
 4. As execution process for the costs shall require proceedings for mandamus if the costs are not settled, which proceedings will have to be conducted in a fresh separate file, this file is now closed.
 5. I so order.

DATED, SIGNED & DELIVERED VIRTUALLY AT NAIROBI THIS 25TH DAY OF MARCH, 2025

R.E. ABURILI

JUDGE

