



**Wambui & 6 others v Njuguna (Tribunal Case E715 of 2022)  
[2023] KEBPRT 363 (KLR) (Civ) (22 May 2023) (Ruling)**

Neutral citation: [2023] KEBPRT 363 (KLR)

**REPUBLIC OF KENYA  
IN THE BUSINESS PREMISES RENT TRIBUNAL  
CIVIL  
TRIBUNAL CASE E715 OF 2022  
A MUMA, VICE CHAIR  
MAY 22, 2023**

**BETWEEN**

**CAROLINE WAMBUI ..... 1<sup>ST</sup> TENANT  
LABAN CHEGE ..... 2<sup>ND</sup> TENANT  
KENNEDY MUCHUKI ..... 3<sup>RD</sup> TENANT  
MARY MAINA ..... 4<sup>TH</sup> TENANT  
JULIET WANGECHI ..... 5<sup>TH</sup> TENANT  
JOTHAM IRUNGU ..... 6<sup>TH</sup> TENANT  
PETER NJUGUNA ..... 7<sup>TH</sup> TENANT**

**AND**

**JULIUS MWANGI NJUGUNA ..... LANDLORD**

**RULING**

**A. Parties and their Representative**

1. The Applicants are the Tenants of the suit premises in this matter and occupy Plot No 139877, Plot C within Thika Sub-County.
2. The Firm of Kanyi Kiruchi & Co Advocates represents the Applicant in this matter.
3. The Respondent is the Landlord and owner of the suit premises rented out to the Tenants.
4. The Firm of Ojienda & Co Advocates represents the Landlord/Respondent in this matter.



## **B. The Dispute Background**

5. On August 4, 2022 the Tenants filed a Reference and a Notice of Motion application of even date seeking orders to stop the Landlord's alleged unlawful eviction and harassment from the suit property.
6. In response, the Landlord filed Grounds of Opposition dated August 24, 2022 claiming *inter alia* that the Tenant's Reference is res judicata and that this Tribunal lacks jurisdiction to hear and determine the same.
7. On January 18, 2023 the Tribunal gave orders upholding the Grounds of Opposition dated August 24, 2022 while dismissing the Tenant's Notice of Motion dated August 4, 2022 with costs to the Landlord.
8. The Landlord filed a party and party bill of costs dated February 10, 2023 which Bill is drawn to the sum of Kshs 93,500.00
9. The only business remaining for this Tribunal to determine in relation to this matter is the quantum of costs to be awarded to the Landlord. Having taken note of the guiding principles of taxation, the Tribunal now proceeds to determine the computation of each item as follows;



Item	Date	Particulars	Amount Charged (Applicants)	Amount Taxed Off (tribunal)
1.	15.8.2022	Receiving instructions to defend Tenant's application dated 4 <sup>th</sup> August 2022	77,600	69,900
2.	15.8.2022	Drawing Preliminary Objection dated 15.8.2022	1,000	1,000
3.	15.8.2022	Attending the registry to file the Preliminary Objection dated 15.8.2022	1,000	1,000
4.	15.5.2022	Service upon the Tenant's Advocate	1,400	1,400
5.	24.8.2022	Drawing Notice of Motion Application dated 24.8.2022 and Grounds of Opposition	1,000	1,000
6.	24.8.2022	Attending the registry to file the Notice of Motion dated 24.8.2022	1,000	1,000
7.	24.8.2022	Service upon the Tenant's Advocate	1,400	1,400
8.	6.10.2022	Attending Court for hearing	3,000	3,000



9.	30.11.2022	Attending Court for hearing of the Landlord's Preliminary Objection	4,000	2,100
10.	14.7.2022	Attending Court for ruling on the Landlord's Preliminary Objection	2,100	2,100
		Grand Total	93,500	84,000
		Bill Of Costs Taxed At	93,500	84,000

## Particulars

### 1.

#### Item 1- Instruction Fees:

As per the provisions of Paragraph 7(2)(a) of Schedule 8 of the Advocates Remuneration Order, the instruction fees sought is not excessive and is within the reasonable bounds of the law. However, there was no complexity and issues of novelty demonstrated in handling the matter.

Amount taxed at Kshs.69,900

### 2.

#### Items 2, 3 and 4 - Drawing Preliminary Objection

Attending the registry to file the Preliminary Objection

Service upon the Tenant's Advocate

Amount taxed is okay and in accordance to Paragraph 4 (a)(i) of Schedule 6, Paragraph 5(d) of schedule 6 and Paragraph 8(a)(i) of Schedule 8 of the Advocates Remuneration Order, 2014.

### 3.

#### Items 5,6 and 7- Drawing Notice of Motion and Grounds of Opposition

- Attending the registry to file the Notice of Motion



- Service upon the Tenant's Advocate

Amount taxed is okay and in accordance to Paragraph 4 (a)(i) of Schedule 6, Paragraph 5(d) of schedule 6 and Paragraph 8(a)(i) of Schedule 8 of the Advocates Remuneration Order, 2014.

4.

Items 8 and 9 -Attending Tribunal For hearing:

Item 8 is in accordance with the scale. As for item 9, amount taxed is excessive and not in accordance to Paragraph 8 (c)(ii) of Schedule 8 of the Advocates Remuneration Order, 2014. It is inconceivable that hearing under item 9 lasted a whole day.

Amount taxed 1,900/=

5.

Item 10- Attending Tribunal for Ruling:

Amount taxed is okay and in accordance to Paragraph 4 (a)(i) of Schedule 6, Paragraph 5(d) of schedule 6 and Paragraph 8(a)(i) of Schedule 8 of the Advocates Remuneration Order, 2014.

10. Based on these provisions of the Law, and having considered the Landlord's and Tenants' submissions, it is the conclusion of this Tribunal that the Bill of Costs have been drawn within the reasonable confines of the Law.
11. Based on the foregoing, the Tenants' Bill of Costs dated 10<sup>th</sup> February 2023 is taxed at Kshs. 84,000/=.

## **ORDERS**

For the reasons given above I Order as follows that:

1. The Tribunal taxes the Landlord's party and party bill of costs dated 10<sup>th</sup> February 2023 at Kshs 84,000/=.
2. The Tenants shall pay the costs within 60 days from the date of being served with a certified copy of the order.

**HON A. MUMA - VICE CHAIR**

**BUSINESS PREMISES RENT TRIBUNAL**

**RULING DATED, SIGNED AND DELIVERED VIRTUALLY BY HON A. MUMA THIS 22<sup>ND</sup> DAY OF MAY 2023 IN THE ABSENCE OF PARTIES.**

**HON A. MUMA - VICE CHAIR**

**BUSINESS PREMISES RENT TRIBUNAL**

