



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT AT NAIROBI**  
**MILIMANI LAW COURTS**  
**CONSTITUTIONAL AND HUMAN RIGHTS DIVISION**  
**PETITION NO. 328 OF 2011**

**BETWEEN**

**DRY ASSOCIATES LIMITED ..... PETITIONER**

**AND**

**CAPITAL MARKETS AUTHORITY ..... 1<sup>ST</sup> RESPONDENT**

**DIRECTOR OF PUBLIC PROSECUTIONS ..... 2<sup>ND</sup> RESPONDENT**

**AND**

**CROWN BERGER (K) LTD ..... INTERESTED PARTY**

**RULING**

1. I have considered the reference in matter. I find and hold that the learned Deputy Registrar erred when she awarded the amount for getting up as this is a petition which is dealt with in the nature and manner of an application. The getting up fees is accordingly taxed off.
2. As regards the instruction fee, the parties agree that the sum of Kshs. 350,000/= is adequate as instruction. The reference is allowed to that extent and therefore the party and party costs are certified at Kshs. 434,667/00 only.
3. Orders accordingly.

**DATED and DELIVERED at NAIROBI this 7<sup>th</sup> May 2014.**

**D.S. MAJANJA**

**JUDGE**

Mr Kahonge instructed by Macharia Kahonge and Company Advocates for the petitioner/applicant

Mr Kiingati instructed by Kairu Mbutia and Kiingati Advocates for the interested party.