

In this motion, the applicant is seeking an order to the effect that he is entitled to costs from the ruling delivered in the High Court on 15th May, 2014. The 1st respondent has on the other hand opposed the demand for costs relating to the High Court proceedings and has argued that our decision of 10th March, 2017 restricted costs to costs incurred in connection with the appeal. In addition, the 1st respondent obtained an order from the High Court on 2nd August, 2017 striking out the applicant's notice of taxation and bill of taxation on the ground that this Court had not awarded him costs.

A perusal of our judgment of 10th March, 2017 in Appeal No. 194/2016 reveals that the matter is continuing in the High Court. In fact, our judgment stated that any party that was dissatisfied with the High Court decision should take any steps he or it deemed fit. The record of appeal also shows that the High Court ruling of 15th May, 2014 did not award costs to any party. The ruling of 23rd March, 2016 made a somewhat contradictory order in relation to costs as it stated that "*Costs shall follow the cause, to be taxed in default of agreement.*" The term "*costs in the cause*" according to Order 62, r.3 RSC simply means "*The party in whose favour an*

