



REPUBLIC OF KENYA



Odeny Maube & Company Advocates v Molyn Credit Limited (Environment and Land Miscellaneous Application E026 of 2021) [2023] KEELC 16156 (KLR) (16 March 2023) (Ruling)

Neutral citation: [2023] KEELC 16156 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KISUMU
ENVIRONMENT AND LAND MISCELLANEOUS APPLICATION E026 OF 2021**

E ASATI, J

MARCH 16, 2023

BETWEEN

ODENY MAUBE & COMPANY ADVOCATES APPLICANT

AND

MOLYN CREDIT LIMITED RESPONDENT

RULING

1. Before the court for determination is the Applicant's notice of motion application dated August 18, 2022 brought pursuant to the provisions of order 51(1) of the [Civil Procedure Rules](#) and section 51(2) of the [Advocates Act](#). It seeks for orders that; -
 - a. The honourable court converts the Certificate of Taxation issued on August 3, 2022 into a judgement and decree together with interests at court rates until payment in full.
 - b. The costs of the application be provided for.
2. The grounds of the application are that the applicant's fees was taxed on July 21, 2022 and allowed at Kshs 236,745.56 and a Certificate of Taxation dated August 3, 2022 issued. That the Certificate of Taxation has not been challenged or set aside.
3. The application was supported by the averments in the Supporting Affidavit sworn on August 18, 2022 by Bruce Odeny Advocate, an advocate practising in the applicant law firm and the annexures thereto
4. The application was unopposed. Affidavit of Service sworn by Bruce O. Odeny advocate on February 27, 2023 showed that the Respondent was served with the Application and Hearing Notice.
5. Section 51(2) pursuant to which the application was brought provides that: -

“the certificate of the taxing officer by whom any Bill has been taxed shall, unless it is set aside or altered by the court be final as to the amount of the costs covered thereby and the court



may make such order in relation thereto as it thinks fit including in a case where the retainer is not disputed an order that judgement be entered for the sum certified to be due with costs.”

6. I have read the notice of motion, supporting affidavit and annexures thereto. I have also read the court record generally and in particular, the ruling of the taxing officer herein dated 21st July 2022 and the resultant Certificate of Taxation. There being no opposition to the application, the Certificate of Taxation having not been reviewed or altered and given that the retainer is not disputed, I find that the application is merited. I allow the application and hereby enter judgement in favour of the applicant on the basis of the certificate of taxation dated August 3, 2022 for Kshs 236,746.56, interest thereon at court rates and costs of the application.

Orders accordingly

RULING, DATED AND SIGNED AT KISUMU, READ VIRTUALLY THIS 16TH DAY OF MARCH, 2023 THROUGH MICROSOFT TEAMS ONLINE APPLICATION.

E ASATI,

JUDGE.

In the presence of:

Maureen: Court Assistant.

Odeny Advocate for the Applicant/Advocate

No appearance for the Respondent/Client

E. ASATI

JUDGE.

