



**Otieno Ragot & Company Advocates v County Government of Kisumu;  
Maseno University Retirement Scheme (Plaintiff); Town Clerk Municipal  
Council of Kisumu (Defendant) (Environment and Land Miscellaneous  
Application 36 of 2023) [2023] KEELC 16154 (KLR) (16 March 2023) (Ruling)**

Neutral citation: [2023] KEELC 16154 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT KISUMU  
ENVIRONMENT AND LAND MISCELLANEOUS APPLICATION 36 OF 2023**

**E ASATI, J**

**MARCH 16, 2023**

**BETWEEN**

**OTIENO RAGOT & COMPANY ADVOCATES ..... APPLICANT**

**AND**

**COUNTY GOVERNMENT OF KISUMU ..... RESPONDENT**

**AND**

**MASENO UNIVERSITY RETIREMENT SCHEME ..... PLAINTIFF**

**AND**

**THE TOWN CLERK MUNICIPAL COUNCIL OF KISUMU ..... DEFENDANT**

*(Arising from the professional legal services rendered by the Applicant/  
Advocate to the Client in KISUMU HCCA NO. 149 OF 2011)*

**RULING**

1. This ruling is in respect of the Applicant/Advocate's Notice of motion Application dated 12<sup>th</sup> August 2022 brought pursuant to the provisions of section 51 of the *Advocates Act* Cap 16 Laws of Kenya and rule 7 of the *Advocates Remuneration Order* 2014. It seeks for orders that; -
  - a. the Certificate of Costs dated 21<sup>st</sup> July 2021 in respect of the Applicant's/Advocate's Bill of costs dated 15<sup>th</sup> June 2021 in the sum of Kshs. 229,210.24 (Kenya shillings two hundred and twenty-nine thousand two hundred and ten four cents) to be paid by the Respondent/Client to the Applicant/Advocate be adopted as a judgement and decree of the court.
  - b. the applicant be awarded interest on the taxed costs at 14% per annum from 13<sup>th</sup> April 2017.



- c. The costs of the application be granted to the Applicant.
2. The grounds of the application are that the applicant was retained to represent the Respondent in Kisumu HCCC No. 149 of 2011 *Maseno University Retirement Benefits Scheme v Municipal Council of Kisumu* and that the Applicant did represent the Respondent in the said suit. That there is no dispute that the applicant was retained by the Respondent. That the applicant's fees were taxed by the court on 21<sup>st</sup> July 2021 and that the Certificate of Costs has neither been set aside nor altered by the court. That the Respondent has not settled the taxed amount. That the applicant is entitled to interest on the amount from 13<sup>th</sup> April 2017 in accordance with Rule 7 of the *Advocates (Remuneration) Order*.
  3. The application is supported by the averments in the Supporting Affidavit sworn on 12/08/2022 by Okoth Odero Advocate an associate in the applicant law firm and the annexures thereto.
  4. The application was unopposed. Affidavits of Service on record show that the Respondent was served with the application and hearing notice but neither filed any response to the application nor attended court.
  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 and considered the application. I have also read the court record generally and in particular, the ruling of the taxing Officer herein dated 21<sup>st</sup> July 2022 and the resultant Certificate of Costs. There being no opposition to the application, the Certificate of Costs having not been reviewed or varied 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 costs dated 21<sup>st</sup> July 2022 for Kshs.229,210.24, interest thereon at court rates from the date of Certificate of Costs. Costs of the current application are awarded to the applicant.
  - 7 Orders accordingly

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

**E. ASATI**

**JUDGE.**

In the presence of:

Maureen: Court Assistant.

No appearance for the Applicant/Advocate

No appearance for the Respondent/Client

