



**Mulekyo and Company Advocates v Kajiado County Government
(Miscellaneous Application E026 of 2022) [2023] KEHC 3820 (KLR)
(Constitutional and Human Rights) (27 April 2023) (Ruling)**

Neutral citation: [2023] KEHC 3820 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CONSTITUTIONAL AND HUMAN RIGHTS
MISCELLANEOUS APPLICATION E026 OF 2022**

HI ONG'UDI, J

APRIL 27, 2023

BETWEEN

MULEKYO AND COMPANY ADVOCATES APPLICANT

AND

KAJIADO COUNTY GOVERNMENT RESPONDENT

RULING

1. This is the Notice of Motion dated 3rd October, 2022 where the applicant seeks the following orders: -
 - i. That judgment be entered for Kenya Shillings One Million Three Hundred and Eighty Seven Thousand, Five Hundred and Eight and Sixty-Eight Cents Only (Ksh.1,387,508.68) in favour of the applicant against the Respondent with interest at 14% with effect from 7th April, 2022 until payment in full, pursuant to Section 7 of the *Advocates Act*.
 - ii. That costs of this Application be provided for.
2. The application is supported by the grounds on its face and the supporting affidavit of Antony M. Mulekyo counsel for the applicant. He has deponed that on 22nd August, 2022 the Deputy Registrar taxed the Advocate client bill of costs dated 6th June, 2022. The bill was taxed and the applicant was awarded costs amounting to Kenya shillings One Million, Three Hundred and Eighty Seven Thousand, Five Hundred and Eight and Sixty Eight Cents Only (Kshs.1,387,508.68).
3. A Certificate of Taxation dated 23rd August, 2022 (AMM – 1) was issued by the Deputy Registrar. Service of the certificate was made on the Respondent but no payment has been forthcoming.
4. The Respondent has not challenged the taxation, though it has all along been aware of the bill of taxation and the certificate of taxation (AMM -2).



5. Despite being served with the Notice of Motion, the Respondent has not filed any response to it. Last time (20th April, 2023) when the matter was in court, counsel for the Respondent promised to get in touch with their client for purposes of settlement. Nothing seems to have been done.
6. As the matter stands now, the Notice of Motion dated 3rd October, 2022 is unopposed.
7. I, therefore, allow the application in terms of prayer No. (i) and enter Judgment for the applicant against the Respondent in the sum of Ksh.1,387,508/68 (Kenya Shillings One Million three Hundred and Eighty Seven Thousand, Five Hundred and Eight and Sixty Eight Cents Only) plus interest at 14% with effect from 7th April, 2022 (when notified-AMM-2) until payment in full. Secondly, costs of the application are awarded to the applicant.

Orders accordingly

DELIVERED VIRTUALLY, DATED AND SIGNED THIS 27TH DAY OF APRIL, 2023 IN OPEN COURT AT MILIMANI, NAIROBI.

H. I. ONG'UDI

JUDGE OF THE HIGH COURT

