



**Amwber T/S & Associates Advocates v Karama (Miscellaneous Application 23 of 2021) [2022] KEHC 14580 (KLR) (30 September 2022) (Judgment)**

Neutral citation: [2022] KEHC 14580 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MOMBASA  
MISCELLANEOUS APPLICATION 23 OF 2021  
JN ONYIEGO, J  
SEPTEMBER 30, 2022**

**BETWEEN**

**AMWBERE T/S & ASSOCIATES ADVOCATES ..... APPLICANT**

**AND**

**MOHAMED SWALEH KARAMA ..... RESPONDENT**

**JUDGMENT**

1. By a Notice of Motion dated March 31, 2017, the applicant herein sought an order for entry of judgment to the tune of Ksh 683,927 with interest at court rates pursuant to a certificate of taxation dated February 23, 2022. The application is based on grounds stated on the face of it and averments contained in the affidavit in support sworn by Shitakha Tom Ambwere advocate on April 1, 2022.
2. It is the applicant’s case that on February 17, 2022 the Deputy Registrar Hon. Nyariki delivered a ruling thus taxing their advocates -client bill of costs at Ksh 685,927 and a taxation certificate to that effect issued on February 23, 2022. That to date no payment has been made nor reference filed. Despite service of the application herein, the respondent did not file any response. The application was therefore urged *exparte*.
3. During the hearing, Mr Ambwere adopted the content contained in the affidavit in support. I have considered the application herein and the affidavit in support plus the averments thereof. From the record, it is clear that there is a certificate of costs arising out of the advocates – clients’ bill of costs which has not been challenged by way of reference. The application herein has not been opposed either.
4. It is trite that a successful litigant should be left to enjoy the fruits of his judgment. In the absence of any response to the application and or any appeal or reference challenging the certificate of costs, this court has no option but to enter judgment in favour of the applicant as prayed.

**Dated, signed and delivered at Mombasa this 30<sup>th</sup> day of September, 2022**

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**J.N.ONYIEGO (JUFDGE)**

**JUDGE**

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