



Owiti, Otieno Ragot Advocates v Equator Bottlers Ltd (Miscellaneous Civil Cause E109 of 2021) [2022] KEHC 14074 (KLR) (22 September 2022) (Ruling)

Neutral citation: [2022] KEHC 14074 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CIVIL CAUSE E109 OF 2021
RE ABURILI, J
SEPTEMBER 22, 2022**

BETWEEN

OWITI, OTIENO RAGOT ADVOCATES APPLICANT

AND

EQUATOR BOTTLERS LTD RESPONDENT

RULING

1. The applicant/advocate, vide an application dated January 27, 2022 and filed into court on January 31, 2022 seeks for orders that the certificate of costs issued herein in respect of the taxation order made on September 30, 2021 for Kshs 990,443.01 be adopted as the judgment and decree do issue. He also prays that interest on the said taxed costs be awarded at 14% p.a from May 15, 2021 in accordance with rule 7 of the *Advocates Remuneration Order* until payment in full. He also prays for costs of the application.
2. The application is supported by the grounds on the face of the Notice of Motion brought under the provisions of Section 51(2) of the *Advocates Act* r and Rule 7 of the *Advocates Remuneration Order, 2014*.
3. In support of the Notice of Motion, the Applicant has sworn an affidavit (by Jael Onyango Advocate) and annexed documents among them, certificate of costs dated September 30, 2021, demand for those costs dated April 12, 2021 made before taxation and the proforma invoice. The applicant also swore a further affidavit filed on May 9, 2022 annexing copies of correspondence between the advocate and the respondent to prove retainer in Kisumu HCCA 113/2019.
4. I have considered the application, grounds, supporting affidavit, further affidavit and annexures thereto.
5. I observe that the advocates costs was taxed on September 30, 2021 and that no reference has been filed by the client in the matter. In addition, the Respondent has not opposed this application despite service upon them. For the above reasons, I find the application dated January 27, 2022 merited.



6. I enter judgment in favour of the advocate/applicant Owiti, Otieno & Ragot Advocates against the respondent/client, Equator Bottlers Ltd in the sum of Kshs.990,443.01 as taxed on September 30, 2021 together with interests at the rate of 14% p.a from May 15, 2021 until payment in full.
7. Decree to issue forthwith.
8. I order that each party shall bear their own costs of this application dated January 27, 2022.
9. Decree to be extracted forthwith
10. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 22ND DAY OF SEPTEMBER, 2022.

R. E. ABURILI

JUDGE

