

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISUMU

MISC. CIVIL APPL. NO. 185 OF 2018

OMAYA CO. ADVOCATES.....APPLICANT

-VERSUS-

JOSEPH OKELLO ODEYO.....RESPONDENT

RULING

The application dated 4th December 2020 is for judgment to be entered in favour of the Applicant, **OMAYA & CO. ADVOCATES**, in respect of taxed costs.

1. On 4th July 2019 the learned Taxing Officer, Hon. A. Odawo taxed the Advocate/Client Bill of Costs in the sum of Kshs 80,753.18.
2. On 15th November 2019, the Taxing Officer issued a Certificate of Costs. The said certificate has neither been set aside nor varied. Accordingly, it is deemed to be final as to the amount reflected on the face thereof.
3. Secondly, the record of the proceedings on 12th November 2018 show that the Respondent, **JOSEPH OKELLO ODEYO**, expressly stated that the Applicant had done some work for him, in the capacity of an advocate.
4. In the result, I find that there is no dispute as to retainer.
5. I do therefore enter judgment in favour of the Applicant for the sum of Kshs 80,753.18.
6. The said sum will attract interest at Court rates from 5th August 2019 until payment in full.
7. The date from which interest is applicable has been determined by the Court, by counting 30 days from the date when the Bill of Costs was taxed.
8. I decline to order that interest be payable from 15th November 2018, because although that might be a date which is 30 days from when the Bill of Costs was first presented to the Respondent, the Respondent cannot be faulted for not paying that Bill because when it was later taxed, the amount payable was reduced from Kshs 133,823.04 which the Applicant had first demanded.
9. The costs of the application are awarded to the Applicant.
10. It is so ordered.

DATED, SIGNED AND DELIVERED AT KISUMU

THIS 28TH DAY OF JULY 2021

FRED A. OCHIENG

JUDGE