

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIVASHA

CORAM: HON. LADY JUSTICE G. NGENYE, J

MISCELLANEOUS CIVIL APPLICATION NO. 163 OF 2019

NGAYWA NGIGI & KIBET ADVOCATES.....APPLICANT

-VERSUS-

XPLICO INSURANCE COMPANY LIMITED.....RESPONDENT

RULING

1. I have considered the Applicant's Notice of Motion application dated 16th March, 2021. The same is brought under **Section 51 (2)** of the **Advocates Act**, Chapter 16 Laws of Kenya. It prays that judgment be entered in favour of the Applicant against the Respondent for the sum of Kshs 62,394.00 being the certified costs due to the Applicant as against the Respondent and for costs of the application.

2. I have noted that the Respondent was notified of today's hearing date but failed to attend as per the Affidavit of Service filed on 25th August, 2021. A certificate of Taxation dated 5th March, 2020 was drawn by the Hon. Deputy Registrar for the said sum of Kshs 62,394/=.

3. Accordingly, I enter Judgment against the Respondent for the said sum of Kshs 62,394/=. I give no orders as to costs of this application.

DATED AND DELIVERED AT NAIVASHA THIS 19TH DAY OF OCTOBER, 2021.

G. NGENYE

JUDGE

In the presence of:-

1. Bosire holding brief for Mr. Ngigi for the Applicant
2. No representation for the Respondent
3. Court Assistant - Quinter Ogutu