



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIVASHA**

**MISCELLANEOUS CIVIL APPLICATION NO. 70 OF 2017**

**KIHANGA & CO. ADVOCATES.....APPLICANT**

**-VERSUS-**

**XPLICO INSURANCE COMPANY LIMITED.....RESPONDENT**

**RULING**

1. By way of a Notice of Motion dated 14<sup>th</sup> October, 2021, the Applicant which is a practicing law firm prays that judgment be entered in favour of the Advocates (Applicant) against the client (Respondent) for the sum of Kshs 57,145/= and that the costs of the application be borne by the client.
2. The application is brought under **Section 51 (2)** of the **Advocate's Act** Cap 16 Laws of Kenya, **Order 51 Rule 1** and **13** of the **Civil Procedure Rules**, **Section 1A** and **3A** of the **Civil Procedure Act** and all other enabling provisions of the law.
3. The application is supported by the grounds on the face of it and the Affidavit of Kihanga Mwangi Advocate of the Applicant's law firm sworn on 14<sup>th</sup> October, 2021. In summary, the Respondent was a client of the Applicant in Naivasha CMCC No. 241 of 2016. A Client/Advocate Bill of Costs was taxed at Kshs 57,145/= as per the Hon. Deputy Registrar's Ruling dated 1<sup>st</sup> July, 2021. Pursuant thereto, a Certificate of Taxation dated 23<sup>rd</sup> September, 2021 was drawn.
4. The Respondent was served through its legal officer to come for the hearing of the application but failed to. In the circumstances, I have deemed the application herein as unopposed. Accordingly, the same is allowed with costs to the Applicant.

**DATED AND DELIVERED THIS 25TH DAY OF NOVEMBER, 2021.**

**G. W. NGENYE-MACHARIA**

**JUDGE**

**In the presence of:**

1. *N/A for the Applicant*
2. *N/A for the Respondent*