

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KERICHO

MISC. APPLICATION NO.13 OF 2018

ROGERS MUGUMYA.....ADVOCATE/APPELLANT

- V E R S U S -

STEGRO SACCO LIMITED.....RESPONDENT

R U L I N G

1. There are two Applications coming for consideration in this ruling which are as follows:-

(i) The Applicant's Notice of Motion dated 13/5/2019 seeking Judgment and a decree in respect of a bill of costs taxed in the sum of Kshs.505,696/= as per certificate of taxation issued on 28/9/2018 in favour of the Applicant against the Respondent.

(ii) The Respondent's Notice of Motion dated 13/12/2019 seeking to stay of proceedings of the Taxing Master's Orders and all consequential orders.

2. I find that the Application dated 13/5/2019 is not oppose and the same is according allowed.

3. The Respondent in the Application dated 13/5/2019 did not file a reference against the certificate of taxation.

4. Judgment be and is hereby entered in favour of the Applicant against the Respondent in the sum of Kshs.505,696 with interest at 14% per annum from 28/9/2018 until payment in full.

5. The Respondent is seeking stay of Proceedings and setting aside of the taxing Master's Order and all consequential Orders on the grounds that the Applicant in the bill of costs was an Employee of the County Government of Bomet and an interested party in the proceedings and that he is not entitled to a retainer.

6. I find that the respondent participated in the taxation and the taxing Master noted that the Respondent objected to the bill of costs on the basis that it never instructed the Advocate.

7. The taxing Master found that the Advocate is entitled to the retainer. The Respondent did not file any referent from the bill of costs and it did not raise the issue that the Advocate was an Employee of the County Government and therefore not entitled to the retainer.

8. The Application dated 13/12/2019 lacks in merit and the same is accordingly dismissed with costs.

9. The Application dated 13/5/2019 is not oppose and the same is according allowed in the following terms:-

THAT Judgment be and is hereby entered in favour of the Applicant against the Respondent in the sum of Kshs.505,696 with interest at 14% per annum from 28/9/2018 until payment in full.

Dated, Delivered and Signed at Kericho this 18th day of September, 2020.

A. N. ONGERI

JUDGE