

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISUMU

(CORAM: CHERERE-J

CIVIL SUIT NO.133 OF 2009

BEDROCK SECURITY SERVICES LIMITEDPLAINTIFF/APPLICANT

VERSUS

BEDROCK HOLDINGS LIMITED DEFENDANT/RESPONDENT

RULING

1. By Chamber Summons dated 12.06.2020 brought under Rule 11 of the Advocates Remuneration Order, the Applicant challenges the Taxing Master's decision on items 1, 2, 5, 6, 32, 33, 37, 40, 41, 44, 49, 51, 53, 59, 63, 68, 52 and 55 in the Respondent's bill of costs dated 21.01.2020 and prays that the bill of costs be referred back for taxation.
2. The Respondent in his replying affidavit sworn on 24.07.2020 though claiming that the taxed sum is inadequate did not file a reference.
3. I have carefully considered the reference in the light of the affidavits on record.
4. In civil litigation, there are two distinct methods of determining fees and these are said to be Party and Party fees and Advocate and Client fees. Party and Party costs are based on the principle that the unsuccessful party in any case must, unless the court otherwise orders for good reason, pay the successful party.
5. The Respondent was the successful party and there being no other order relating to costs, I find that it was entitled to its full costs.
6. I have considered the reasons for taxation contained in the Taxing Master's ruling dated 29.05.2020 and I am persuaded that the bill of costs was taxed in terms of the Advocates Remuneration Order and the Rules thereto.
7. Consequently, the Chamber Summons dated 12.06.2020 is without merit and it is dismissed.

DATED AT KISUMU THIS 21st DAY OF October 2020

T. W. CHERERE

JUDGE

Court Assistants For Applicant For Respondent

- **Ms. Amondi/Ms. Okodoi**

- **Mr. Otieno for Owiti, Otieno & Ragot Advocate**

- **Mr. Mwamu for Mwamu & Co. Advocates**

