



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISUMU

(CORAM: CHERERE-J)

CIVIL SUIT NO.134 OF 2009

BEDROCK HOLDINGS LIMITED.....PLAINTIFF/RESPONDENT

VERSUS

BEDROCK SECURITY SERVICES LIMITED.....1ST DEFENDANT

ERICK OUMA OKEYO.....2ND DEFENDANT

PATRICK OCHIENG ODIPO.....3RD DEFENDANT/APPLICANT

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 and 2 in its bill of costs dated 29.05.2020 and prays that the items be allowed as drawn.
2. The Application is based mainly on the ground that the Respondent's claim was partly quantified. A perusal of the pleadings in this suit however disclose that the Respondent's claim was not quantified.
3. The Respondent in his replying affidavit sworn on 24.07.2020 though claiming that the taxed sum is excessive did not file a reference.
4. I have carefully considered the reference in the light of the affidavits on record.
5. The Application is based mainly on the ground that the Respondent's claim was partly quantified. A perusal of the pleadings in this suit however disclose that the Respondent's claim was not quantified.
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 - Ms. Amondi/Ms. Okodoi

For Applicant - Mr. Otieno for Owiti, Otieno & Ragot Advocate

For Respondent - Mr. Mwamu for Mwamu & Co. Advocates