



REPUBLIC OF KENYA

IN THE HIGH COURT AT NAKURU

MISCL. APPLICATION NO. 142 OF 2019 & NO. 95 OF 2019

IN THE MATTER OF THE ADVOCATES ACT, CAP 16

AND

IN THE MATTER OF TAXATION OF COSTS BETWEEN ADVOCATE AND CLIENT

BETWEEN

KINYANJUI NJUGUNA & COMPANY

ADVOCATES.....APPLICANT

-VERSUS-

INVESCO ASSURANCE CO. LTD.....RESPONDENT

RULING

1. Kinyanjui Njuguna & Company Advocates are the Applicants in the **application dated 12th June 2019**.

At all material times the said law firm were instructed and acted for Invesco Assurance Company in numerous court cases.

2. In eleven (11) such court cases, the said firm filed its Advocate-client Bill of costs which were taxed in its absence after the taxing officer was satisfied of service to the company.

The certificates of Taxation were served upon the Respondent, Invesco Assurance Company Limited on diverse dates.

I have confirmed from the Deputy Registrar of this court, Ms. Nancy Makau being the taxing officer that indeed she issued the certificates of taxation in the eleven(11) cases listed herewith.

3. The applicant, by its application which is premised in **Order 50 rule 1 of the CPR and Section 51(2) of the Advocates Act and Paragraph 7 of the Advocates (Remuneration)** order seeks that

1. - *Spend*

2. *That the Honourable court be pleased to consolidate the 10 applications listed thereto with this application.*

3. *And pursuant to the prayer No. 2 above, the court be pleased to enter judgment for the sum of Kshs.1,734,055/= being the sum total of the certificates of taxation in the 11(eleven) matters. It also seeks costs and interest at 14% from 15th May 2017 until payment in full.*

4. I am satisfied that the respondent was served with this application and the hearing notice. An affidavit of service was filed on the 5th July 2019 shows that the respondent received the Notice of Motion on the 24th June 2019 by stamping and signing on the same.

5. There being no opposition, and the court being satisfied that the application is properly grounded in law, **I enter judgment for the Applicant against the Respondent in terms of the certificates of taxations in the sum of Kshs.1,734,055/= plus interest at court rates from the date of this ruling until payment in full.**

6. This ruling shall apply in Nakuru High Court Misc. App. No.95 of 2019, thus judgment is entered for the Applicant against the Respondent herein in the sum of Kshs.2,140,491/= plus interest at 14% per annum from the date of the ruling until payment in full.

No costs are awarded on the applications.

Delivered, Signed and Dated at Nakuru this 26th Day of September 2019.

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J.N. MULWA

JUDGE