



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT AT KISUMU**  
**MISC. CIVIL APPLICATION NO. 120 OF 2004**

**BETWEEN**

**PATRICK O. OTIENO & GEOFFREY O. YOGO T/A**

**OTIENO YOGO & COMPANY ADVOCATES.....APPLICANTS**

**AND**

**MUHORONI SUGARCANE**

**OUTGROWERS CO. LTD.....RESPONDENT**

**RULING**

The Notice of Motion dated 18.12.2017 seeks judgment for the sum of Kshs 3,544,282.10 being the amount taxed as per the certificate of costs dated 21.11.2017. The application is not opposed save that Mr Omondi T. told the court that interest should be allowed at the rate of 14% from 8<sup>th</sup> August 2004. Mr Ojuro contends that this is the date that the bill of costs was filed and served and there is no reason to disallow the claim for interest.

Under **Rule 7 of the Advocates Remuneration Order**, an advocate may charge interest at 14% p.a on his disbursements and costs, from the expiration of one month from the delivery of his bill to the client, providing such claim for interest is raised before the amount of the bill has been paid or tendered in full.

I have looked at the affidavit and the bill filed and it appears that there is no claim for interest has been raised thereon in accordance with the rule I have cited. However, interest is payable once judgment is entered.

Accordingly, I enter judgment for the advocates against the client for the sum of Kshs 3,544,282.10 together with interest at 12% p.a from 21.11.2017 until payment in full. The advocates shall have costs of Kshs 10,000.00 for this application.

**Dated read and delivered in this 24<sup>th</sup> day of January 2018.**

**D.S. MAJANJA**

**JUDGE**

Mr Ojuro instructed by Otieno, Yogo and Ojuro Advocates for the applicant.

Mr Omondi T. instructed by Mwamu and Company Advocates for the respondent.