

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KISUMU

MISC. CIVIL APPLICATION NO 19 OF 2011

OTIENO, RAGOT & COMPANY ADVOCATES.....APPLICANT/ADVOCATE

VERSUS

KENINDIA ASSURANCE COMPANY LIMITED.....RESPONDENT/CLIENT

JUDGMENT

1. When the applicant's notice of motion dated 24.11.17 came up for hearing, the court was informed that the taxed costs in the sum of Kshs. 441,938.31 had been settled in full by a cheque dated 13.12.17.

2. The payment does not appear to have taken care of the interest sought in the application. I have considered the provisions of Rule 7 of the Advocates Remuneration Order which provides: -

“An advocate may charge interest at 14% per annum on his disbursements and costs, whether by scale or otherwise, 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.”

5. The rate of interest awardable is applicable from 30 days after the date of service of the Bill of Costs. There is no evidence to show when the bill of costs was served by the firm of M/S Okong'oWandago& Company entered appearance for the respondent on 9.3.11. In the absence of any other evidence, I shall adopt 9.3.11 as the date of service of the bill of costs. Accordingly, (30) days from the delivery of the bill to the client expired on 9.4.11 and not 9.3.11 as prayed in the application.

6. The upshot of this is that interest shall accrue on the taxed costs at 14% per annum from 9.4.11 until payment in full. The Advocate will also have the costs of this application.

DATED AND DELIVERED ON THIS 15th DAY OF March 2018

T.W. CHERERE

JUDGE

Read in open court in the presence of-

Court Assistants - Felix and Carolyne

Applicant - N/A

Respondent - N/A