



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CIVIL APPEAL NO. 243 OF 2014

JOSEPH KABAIKO KIRII.....1ST APPELLANT

JOSEPH NJOROGE NGIGE.....2ND APPELLANT

VERSUS

PETER MWAURA KARIUKI.....RESPONDENT

RULING

The Respondent/Applicant herein filed the Notice of Motion dated the 9th day of November 2017 pursuant to section 51 (2) of the Advocates Act, cap 16, section 3A of the Civil Procedure Act cap 21 laws of Kenya and order 51 of the Civil Procedure Rules. The Applicant has sought for order that;

a) Judgment be entered in his favour against the Respondents in the sum of Ksh.46,823/= being the taxed and certified costs due to him.

b) Costs of the application.

The application is premised on the grounds set out in the body of the same and its supported by the annexed affidavit of Julius Nyakiangana sworn on 9th day of November, 2017.

The Applicant avers that costs were taxed on the 1st day of August, 2017 and a certificate of taxation issued that effect. A copy of the same is annexed and marked "JN1." The same was served upon the Respondent's Advocates on the 7th day of November, 2017 but despite the service, the Respondent has not paid the money to date.

The Applicant has urged the court to grant the application as prayed.

The Application proceeded exparte as the Respondents did not file a response to it. They also did not attend court at the hearing of the application.

The court has considered the application and the annexed affidavit, and the submissions by the counsel for the Applicant. It is noted that the Respondent participated in the taxation pursuant to which the sum of Ksh.46,823/= was awarded to the Applicant. A certificate of taxation was issued and the record does not show that there is a dispute on retainer.

The Respondent has also not challenged the taxation by way of a reference.

In the premises, I find and hold that the application dated 9th November, 2017 has merits and the same is granted as prayed. The Applicant is also awarded the costs of the application.

It is so ordered.

Dated, Signed and Delivered at Nairobi this **20th** Day of **December, 2017**

.....

L. NJUGUNA

JUDGE

In the Presence of

..... for the Appellant/Applicant

..... for the 1st Respondent

..... for the 2nd Respondent