



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT KISUMU**

**MISC. CAUSE No. 277 OF 2015**

**OTIENO RAGOT & CO. ADVOCATES.....APPLICANT**

**-VS-**

**KENINDIA ASSURANCE COMPANY LIMITED.....RESPONDENT**

**RULING**

By the notice of motion dated 2nd February, 2016 the Advocate/Applicant is seeking judgment for a sum of **Kshs. 198,866/=** as certified by the Taxing Officer in the certificate of costs dated 14th January, 2016 and interest at 14% per annum from 14th January, 2016, He also prays for the costs of this application.

This application is opposed on the ground that the client /Respondent being dissatisfied with the decision of the taxing officer has filed a reference. However, at the hearing which only counsel for the Advocate/Applicant attended, it was argued that as no reference had been filed that is not sufficient ground to oppose the application and the court was referred to the decision of **Mabeya J in Kithi & Co. Advocates -v- Menengai Downs Limited [2015] eKLR**. Whereas I agree with my brother Mabeya J and also with Havelock J, as he then was in **Njonjo Okello & Associates -v- Ketain Lalit Chindra Doshi & Another (2012) eKLR**, that nothing precludes an Advocate who has requested for reasons for the taxation but has not received any from proceeding to file a reference it is my finding that the circumstances of this case warrants that the matter be placed before the taxing officer to give her reasons, she should do so forthwith. The client/Respondent shall then have fourteen days to file a reference. For the avoidance of doubt if no reference is filed and prosecuted within forty five (45) days of this order then the notice of motion dated 2/2/2016 shall stand allowed. The file be taken to the Taxing officer forthwith for compliance. It is so ordered.

**Dated, signed and delivered in Kisumu this 30th day of August 2016**

**E. N. MAINA**

**JUDGE**

**In presence of:-**

Mrs Onyango for Advocate/Applicant

Mr. Odhiambo for Aron for Client/Respondent

cc Felix