



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**MISC APPLICATION NO. 141 OF 2013**

**FLORENCE NYAGUTHII MURAGE.....APPELLANT**

**VERSUS**

**RUMBA KINUTHIA & CO ADVOCATES.....RESPONENT**

**RULING**

This matter involves a dispute between a firm of advocates on one hand and a number of clients on the other. The firm of advocates represented the clients and secured some compensation after which costs were taxed and payment made to the clients. The firm of the advocates retained some of the money and it is the clients claim that they are entitled to the money withheld by the firm of advocates. On the other hand the firm of advocates maintains that they are entitled to the sum of money retained as part of their fees.

There are two applications on record. The first is dated 16<sup>th</sup> December, 2014 by the clients and the 2<sup>nd</sup> is dated 8<sup>th</sup> January 2015 by the firm of advocates. Both applications addressed the two issues that I have stated above.

Following the filing of the two applications the court (Mabeya J) ordered the filing of written submissions. However, the Judge was transferred before he wrote the ruling. At some stage there was an indication that this matter may be settled. However, counsel subsequently informed the court that no settlement had been reached.

Upon going through the submissions and the record before me, and without prejudice to what the court will ultimately decide, the minutes sought by the firm of advocates relating to a meeting said to have been convened by Kenya Human Rights Commission appear to have a bearing on the final determination of the issues herein. That is not to say that the said minutes hold the key to the rights of parties in this dispute.

Having so observed I deem it necessary to have the said minutes presented to the court so that the court makes an informed decision. Accordingly, the said minutes of the meeting held on or about 8<sup>th</sup> October, 2012 at Central Park Hotel by the Kenya Human Rights Commission shall be availed by the said Commission within 14 days of today. An order shall be extracted and served upon the said Commission for compliance. Thereafter this matter shall be mentioned on 21<sup>st</sup> November 2016 for further directions.

Orders accordingly.

***Dated, signed and delivered at Nairobi this 25<sup>th</sup> Day of October, 2016.***

**A. MBOGHOLI MSAGHA**

**JUDGE**