



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT MOMBASA**

**MISC. CIVIL APPLICATION NO. 248 OF 2014**

**IN THE MATTER OF : THE ADVOCATES ACT AND THE ADVOCATES  
REMUNERATION ORDER**

**AND**

**IN THE MATTER OF : ADVOCATE/CLIENT BILL OF COST**

**BETWEEN**

**MARTIN TINDI & CO. ADVOCATES ..... APPLICANT**

**V E R S U S**

**PIRATES ENTERTAINMENT LTD ..... RESPONDENT**

**RULING**

1. The Advocate/Applicant **MARTIN TINDI & CO. ADVOCATES** have filed Notice of Motion dated 13<sup>th</sup> November 2014. It is brought under Section 51(2) of the Advocates Act Cap 16. The Respondent/Client is Pirates Entertainment Limited.
2. The Client/Advocate's costs were taxed on 5<sup>th</sup> November 2014 for Kshs. 106,168/- and a Certificate of Costs was issued for that amount.
3. Section 51(2) provides-

**“The Certificate of the Taxing Officer by whom any bill has been taxed shall, unless it is set aside or altered by the court, be final as to the amount of the costs covered thereby, and the Court may make such order in relation thereto as it thinks fit, including, in a case where the retainer is not disputed, an order that judgment be entered for the sum certified to be due with costs.”**

4. The Respondent though served did not attend Court or oppose the application on the day of its hearing.
5. There being no reason to deny the Advocate the prayers sought I grant the following orders-

- a. **Judgment is hereby entered for the Applicant against the Respondent for Kshs. 106,168/- plus interest at Court rate from date of taxation until payment in full.**
- b. **The Applicant is awarded costs of Notice of Motion dated 13<sup>th</sup> November 2014.**

**DATED and DELIVERED at MOMBASA this 19<sup>TH</sup> day of MARCH, 2015.**

**MARY KASANGO**

**JUDGE**