



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISUMU

MISC. CIVIL CAUSE NO. 221 OF 2013

IN THE MATTER OF TAXATION OF ADVOCATE – CLIENT BILL OF COSTS

BETWEEN

OTIENO, RAGOT & CO. ADVOCATESAPPLICANT/ADVOCATE

AND

KENINDIA ASSURANCE CO. LIMITED RESPONDENT/CLIENT

Arising From

Busia HCCA No. 36 of 2008

NDUGU TRANSPORTERS PLAINTIFF

VERSUS

GERVAS OCHIENG OSIROMO DEFENDANT

RULING

Before this Court is the Advocate/Applicant's Notice of Motion dated 14th July 2014 seeking orders that the Certificate of Costs dated 10th June 2014 for a sum of Kshs.199,493/= be adopted as a judgment and decree of this Court together with interest at 14% per annum from 2nd November 2013 until payment in full and further that the interest accrued on the costs and disbursements due to the applicant be awarded from the date of the bill of costs being 24th September 2013 till payment in full. The applicant further prays that the costs of this application be borne by the Respondent.

The application was opposed on grounds that it is bad in law, frivolous, vexatious, incompetent and an abuse of the Court process; the amount claimed has been settled and that it has no merit as it falls short of the requirements of the Advocates Act.

When the parties appeared before Chemitei J. on 3rd December 2014 they consented to canvass this application by way of written submissions. That record is to be found in H.Misc. No.210 of 2012. To date however no submissions have been received from either side leading me to conclude that this particular application was abandoned and that the allegation that the amount claimed was settled is true.

Accordingly the application is dismissed but without orders as to costs.

Signed, dated and delivered at Kisumu this 24th day of September, 2015

E. N. MAINA

JUDGE

In presence of:-

Mr. Ragot for the Applicant

Miss Aron for the Respondent

CC: Moses Okumu