

REPUBLIC OF KENYA

High Court at Mombasa

Miscellaneous Civil Application 111 of 2010

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

AND

IN THE MATTER OF: ADVOCATES/CLIENT BILL OF COST

BETWEEN

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

VERSUS

OSKA ODHIAMBO.....RESPONDENT

RULING

The applicant **MARTIN TINDI & COMPANY ADVOCATES** has filed this Notice of Motion dated 5th March, 2010 seeking that judgment be entered in his favour for the sum of Kshs. 113,947/50 which represents the Bill of Costs taxed by the Deputy Registrar of the High Court. The application and hearing notice were duly served on the respondent **OSKA ODHIAMBO** who objected to the same. The court did hear the parties.

I have seen the certificate of costs dated 25th June, 2009 in which the Advocate/Client Bill of Costs was taxed at Kshs. 113,947.50.

The respondent opposed the application yet he did not advance any persuasive reasons. He conceded that he did engage the applicant company to represent him in a matter in court. However, he argues that he paid the applicant company a deposit. Payment of a deposit does not in any way negate or invalidate the final Bill of Costs. I find merit in this application and I do hereby enter judgment in favour of the applicant in the sum of Kshs. 113,947.50. I make no order on costs.

Dated and delivered in Mombasa this 28th day of March, 2013.

M. ODERO

JUDGE

In the presence of:
Mr. Maundu h/b Mr. Tindi
Respondent in person
Court Clerk Mutisya