

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYERI

MISC. CIVIL APPL. NO. 12 OF 2013

BALISHARMA & BALISHARMA ADVOCATES.....APPLICANTS

Versus

JANE WANYIHA GACHUKI.....RESPONDENT

RULING

1. The application is brought under rule 11 of the Advocates (Remuneration order) in which the applicant seeks the following orders:

1. That the honourable court be pleased to extend time to file a reference to the judge.

2. That this honourable court do order the bill taxed at Kshs. 93,643/= set aside and substituted with Ksh. 24,877.50

2. The application is supported by annexed affidavit of the applicant in which she denied that she appointed the Respondent to represent her in Nyeri RMCC No. 2 of 2005 wherein she was awarded Ksh. 37,082.50.
3. That she was awarded Kshs. 16,585/= in cost which should have been increased by half to be awarded to the respondent as Advocate client cost.
4. In response thereto the respondent has filed grounds of opposition to wit that the application is bad in law incompetent misconceived and an abuse of the court process since it is brought under unknown provision of the law.
5. That no grounds or reason quoted to support the grounds to extend time to file a reference to the judge.
6. I have looked at the application herein and note that the same raise fundamental issue on the advocate client relationship arising from the taxation therein which ought to be considered by this court.
7. I will therefore allow the application herein and extend time for the applicant to file reference to this court against the taxation herein within the next 15 days from the date herein.
8. In the interest of justice I grant stay of execution of the taxed amount herein pending the determination of the reference.

Dated at Nyeri this 19th day of September 2013.

J. WAKIAGA

JUDGE

Ruling is read in open court in the presence of the applicant and in the absence of the respondent.

J. WAKIAGA

JUDGE