



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**MISCELLANEOUS CIVIL APPLICATION NO.196 OF 2007**

**FRANCIS MWANZA MULWA(Practising as F.M Mulwa,advocate .....APPLICANT**

**VERSUS**

**FRANCIS MBURU MUNGAI..... RESPONDENT**

**RULING**

Before me is a Notice of Motion filed by the advocate/applicant. The motion is brought under section 51(2) of the Advocates Act, Chapter 6 of the Laws of Kenya, Rule 7 of the Advocates (Remuneration) order and also all enabling provisions of the law. The applicant seeks orders that;

1. That judgment be entered for the applicant as against the respondent for the sum of Kshs.3,909,585/- being the certified costs due to the applicant.
2. That the respondent do pay to the applicant interest on the certified costs at the rate of 14% per annum from the 8<sup>th</sup> day of February 2007 until payment in full.
3. That the respondent do pay to the applicant cost of the application.

The application is based on grounds (a) to (e) stated on the face of the application which give grounds on why the application should be granted. The application is also supported by the annexed affidavit of Francis Mwanza Mulwa.

When this matter came up for hearing counsel for the respondent/client stated that they have not filed any document and that they left it to the court to decide.

The application therefore is not opposed. I have considered what has been presented by the applicant herein. It is evident then the bill of costs that was lodged by F. M. Mulwa advocate the applicant was taxed on the 26/11/12 at a sum of Kshs.3909485/-. There is the certificate of taxation dated 23/11/12 that is attached to the applicants affidavit.

There is also the letter dated 8/1/07 forwarding the advocate's fee note. I note that the certificate of taxation has not been set aside valid or reviewed.

The application has been properly brought under section 51(2) of the Advocates Act. Rule 7 of the Advocates remuneration order states;

“An advocate may charge interest at 14 percent per annum on his disbursements and costs, whether by scale or otherwise, from the expiration of one month from the delivery of his bill to the client, providing such claim for interest is raised before the amount of the bill has been paid or tendered full’

I find that the advocate/applicant application has merit. The application is not opposed. I therefore grant prayers no. 1, 2 and 3 of the application dated the 14/3/13.

**Dated, signed and delivered this 28<sup>th</sup> Day of October 2013.**

**R. E. OUGO**

**JUDGE**

**In the presence of:**

**Mr. Wanjohi holding brief for the applicant**

.....**for the respondent court**

.....**Clerk**