



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KISUMU

MISC. CIVIL NO. 320 OF 2010

ALLOYS OBUNGA ABOGE T/A ABOGE & CO. ADVOCATES.....ADVOCATE/APPLICANT

-VERSUS-

KENYA ELECTRICITY GENERAL CO. LTD.....DEFENDANT

RULING

1. The application before me is a notice of motion dated 25th November, 2010 brought pursuant to Rule 13(10), (2) & (3) of the advocates remuneration order.
2. The application seeks for leave to have the Deputy Registrar tax costs arising out of debt collection briefs and costs. The same is based on the allegation that the respondent has neglected to pay demanded fees thus the applicant seeks determination of amounts payable.
3. The application was objected to by the respondent who filed grounds of opposition and a replying affidavit dated 28th of June, 2011.
4. My reading of Rule 13(1) (2) & (3) and Rule 2 of the advocates remuneration order is that the order and specifically part (1) deals with taxation of both contentious and non-contentious bill. Rule 13 (1) does not require leave or direction of the court.
5. For the above reason I decline to grant the order as the same will serve no purpose. The bill ought to be filed for taxation before a taxing master.

Costs in the cause.

DELIVERED THIS 16TH DAY OF FEBRUARY, 2012.

ALI-ARONI

JUDGE

In the presence of:

..... present for plaintiff/Applicant

..... present for Respondent/defendant