

IN THE HIGH COURT OF KENYA

AT NAKURU

MISC. APPLICATION NO.72 OF 2002

MUTHOGA GATURU & COMPANY ADVOCATES.....APPLICANT

VERSUS

GABRIEL WANJOHI WAWERU T/A MOUNTAIN ROCK HOTEL.....RESPONDENT

RULING

The applicant has brought the instant motion claiming that having been instructed by the respondent to conduct Nakuru C.M.C.C. No.1560 of 1996 and having executed those instructions, the respondent has failed to pay the applicant's fees. The applicant's costs as against the respondent were, on 27th March, 2002 allowed by the Deputy Registrar in the sum of Kshs.89,126.85 and certificate of taxation issued.

The certificate has not been set aside yet the respondent has refused to settle the cost. Despite service with the application and the hearing notice, the respondent did not respond to the application or attend the hearing of the application. The applicant's averments have not therefore been controverted.

Judgment is hereby entered in favour of the applicant in terms of paragraph 1 of the motion dated 13th July, 2006.

I award costs of this application to the applicant.

Dated, Signed and Delivered at Nakuru this 8th day of March, 2012.

**W. OUKO
JUDGE**