REPUBLIC OF KENYA

IN THE HIGH COURT

AT NAKURU

MISCELLANEOUS APPLICATION 116 OF 2011

ISEME KAMAU & MAEMA & CO. ADV…...……..APPLICANT

VERSUS

CONCORD INSURANCE CO. LTD…….…..DEFENDANT

RULING

Iseme Kamau and Maema & Co. Advocates pray for judgment to be entered in their favour for Kshs.80,138.00 as set out in the Certificate of Taxation issued by the taxing officer of this court on 22/6/2011 and that the applicant be at liberty to execute against the respondent upon the said certificate. The application is brought against Concord Insurance Company, the respondent herein, who gave the applicant instructions to defend its insured in an injury claim in RMCC 592/02 (Naivasha), **Elijah Isioye Okemwa V Sher Agencies Ltd**. The applicant filed appearance and defence in the said suit and it was eventually dismissed. The respondent has failed to pay the applicants fees following which the applicant filed a Bill of Costs in NKU HC 116/2011 which was taxed on 17/6/2011 and a certificate of costs on 22/6/2011 indebted to the applicant. Karen Mate further deponed that the Certificate of Taxation is final in accordance with **Section 51(2)** of the **Advocates Act** and that the retainer between the applicant and respondent is not contested.

This application was served on the respondent on 3/3/2012 as evidenced by affidavit of service sworn by Vihaki Armstone on 7/5/2012. The respondent acknowledged service by stamping on the notice of motion. The respondent did not file any reply to the motion nor was there appearance at the hearing of the application. The Notice of Motion is not contested and I therefore enter judgment in favour of the applicant as prayed, against the respondent in terms of prayers 1 and 2 of the Notice of Motion. The applicant will also have costs of the application.

DATED and DELIVERED this 14th day of May, 2012.

R.P.V. WENDOH
JUDGE

PRESENT:

Ms Maija holding brief for Ms Mate for the applicant

N/A for the respondent
Kennedy – Court Clerk