



**REPUBLIC OF KENYA**  
**HIGH COURT OF KENYA**  
**AT NAIROBI**  
**CIVIL CASE 525 OF 2008**

**DR. CHRISTOPHER MUTHINI MBATHA .....PLAINTIFF/RESPONDENT**

**VERSUS**

**DR. FLORENCE MUKII MUKITA..... DEFENDANT/APPLICANT**

**RULING**

This is an application by way of Notice of Motion dated 11<sup>th</sup> March 2011 filed on behalf of the defendant/applicant. It was brought under Order 51 of the Civil Procedure Rules (Cap.21). The proper provision of the law should be Order 50 Rule 1 of the Civil Procedure Rules, and section 51 of the Advocates Act (Cap.16).

It is an application for judgment to be entered on taxed party and party costs. The application was served on the advocates for the respondent M/s Kalove & Company on 23/3/2011. However, no response was filed. The application therefore stands unopposed.

A copy of the certificate of taxation signed by the Deputy Registrar on 1<sup>st</sup> February 2011 is annexed to the application. I therefore find no reason not to allow the application, since the application is unopposed.

Consequently, I allow the application and grant prayer 1.

The plaintiff/respondent will pay the applicant costs of the application.

**Dated and delivered at Nairobi this 12<sup>th</sup> day of July 2011.**

.....  
**GEORGE DULU**  
**JUDGE**

**In the Presence of:-**  
**No appearance for Plaintiff/Respondent**  
**No appearance for Defendant/Applicant**  
**Catherine – Court clerk**