

**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)**

Civil Case 252 of 1991

SAMUEL MUTHIA MAGUE.....PLAINTIFF

VERSUS

AMERICAN LIFE INSURANCE COMPANY (K) LTD.....DEFENDANT

RULING

The Plaintiff, who is acting in person, has challenged (by chamber summons dated 17th October, 2007), the orders of taxation made herein on 29th January, 2006. He wants them and the subsequent execution proceedings to be set aside upon the main ground that no proper service of the Defendant's bill of costs filed on 29th October, 2000 or notice of taxation was effected upon him or his counsel. The application is opposed.

I have considered the submissions made. The application is clearly misconceived and incompetent. The only procedure available to challenge taxation of bills of costs is that provided for in paragraph 11 of the Advocates (Remuneration) Order. Once taxation has been done, even *ex parte*, it can be challenged only on merit upon a reference under the said provision. The Advocates (Remuneration) Order is a complete code of law pertaining to taxation of bills of costs. It is now well established by authority that ordinary rules of civil procedure are not applicable to matters of taxation.

The court has no jurisdiction to entertain the Plaintiff's application by chamber summons dated 17th October, 2007 on account of its incompetence. It is hereby struck out with costs to the Defendant. Any interim orders granted are hereby vacated. It is so ordered.

DATED AND SIGNED AT NAIROBI THIS 13TH DAY OF JUNE 2008.

H.P.G. WAWERU

JUDGE

DELIVERED THIS 13TH DAY OF JUNE 2008