

REPUBLIC OF KENYA

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

Misc. Application 255 of 2007

SHEM OBONDI.....PLAINTIFF/APPLICANT

VERSUS

SEEMFOOD HOLDINGS LIMITED.....APPLICANT/RESPONDENT

R U L I N G

1. The application herein arises out of the Party and Party Bill of Costs which was taxed by the taxing officer on December 4, 2007 in the sum of Kshs.250,000/=. The advocates' application which is brought under Section 48(2) of the Advocates Act Cap 16 of the Laws of Kenya Rule 13A of the Advocates Remuneration Rules, Sections 3A and 63(e) of the Civil Procedure Rules (sic), Order 50 Rule 1 of the Civil Procedure Rules seeks an order of this honourable court that the amount certified on the Certificate of Taxation dated December 4, 2007 be entered as judgment against the respondent.

2. The application is supported by the grounds on the face thereof and by the sworn affidavit of **Wilfred Akhonya Mutubwa**, an advocate of this Honourable Court practicing as such with the firm of M/s Lubulellah & Associates Advocates, who are the applicant in the matter. The deponent says that the Party and Party Bill of Costs was taxed on December 4, 2007 in the sum of Kshs.250,000 and that it is only fair and just that judgment be entered for the applicant in the said sum as prayed.

3. The application was not opposed though counsel for the respondent was duly served on April 24, 2008. In the circumstances of this case, and in light of the relevant provisions of the law, I see no reason why the application should not be allowed. In the result, I allow the application dated March 13, 2008 on the following terms:-

(1) Judgment be and is hereby entered for the applicant as against the Respondent in the sum of Kshs.250,000/= as per the Certificate of Taxation herein dated 4th December 2007.

(2) That a Decree be issued in respect of the Certificate of Taxation dated 4th December 2007 and that the applicant be at liberty to execute for recovery of the same in accordance with the laid down procedures.

(3) That the costs of this application be borne by the Respondent.

It is so ordered.

Dated and delivered at Nairobi this 18th day of July 2008.

R.N. SITATI

JUDGE

Delivered in the presence of:-

