



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

**Misc. Appli. 278 of 2007**

**J.B. KIBICHO & CO. ADVOCATES.....APPLICANT**

**VERSUS**

**INOI FARMERS CO-OP. SOCIETY LIMITED.....  
RESPONDENT**

**J U D G M E N T**

1. By the Notice of Motion dated 20/06/2008, the advocate/applicant prays for **ORDERS:-**

1. ***THAT judgment be entered for the Applicant in the sum of Kshs.152 508/= as per the ruling of the taxing officer delivered on 14/01/2008.***
2. ***THAT this Honourable Court be pleased to issue a decree for the taxed amount.***
3. ***THAT the Respondent do bear the costs of the application.***

2. The Applicant says that the Advocate-Client bill of costs was delivered on the 14/01/2008 taxing the bill of costs at Kshs.152 508/= and that the said taxation has neither been set aside nor altered. M/s Leah W. Muchiri advocate confirms these facts through her sworn affidavit made on 20/06/2008. She has annexed to her affidavit a copy of the Certificate of Taxation as annexure "**LWMI**" which confirms that the Advocate-Client Bill of costs was taxed on 14/01/2008.

3. Both the application and the hearing notice were duly served on the Respondents but they did not file any replying papers. The application as it stands remains uncontested. Section 51(2) of the Advocates Act Cap 16 Laws of Kenya empowers this court to, *inter alia*, make an order that judgment be entered for the sum certified to be due with costs unless the certificate of the taxing officer has been set aside or altered by the court. In the instant case, the Certificate of Taxation has neither been set aside nor altered by the court. Secondly, there is no dispute as to the retainer. As I observed earlier, the Respondent did not file any replying papers so that the facts alleged by the Applicant remain uncontested.

4. In the result, I do allow the application and enter judgment for the Applicant in the sum of Kshs.152 508/= together with costs of the application and interest thereon at the rate of 12% p.a. from date of taxation until payment in full.. A decree of the taxed amount shall follow as a matter of course.

It is so ordered.

**Dated and delivered at Nairobi this 17<sup>th</sup> day of October, 2008.**

**R.N. SITATI**

**JUDGE**

Delivered in the presence of:

..... For the Applicant

.....For the Respondent