



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

**Misc. Appli. 279 of 2007**

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

**VERSUS**

**INOI FARMERS CO-OPERATIVE SOCIETY LTD.....  
RESPONDENT**

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

1. By an application brought by way of Notice of Motion under Section 51(2) of the Advocates Act, Cap 16 Laws of Kenya and Order 50 Rule 1 of the Civil Procedure Rules, the advocate-applicant prays for **ORDERS:-**

- (i) THAT judgment be entered for the Applicant for Kshs.141800/= as per the ruling delivered on the 14<sup>th</sup> January 2008.**
- (ii) THAT there be interest on the taxed amount from date of taxation until payment in full.**
- (iii) THAT this Honourable Court be pleased to issue a decree for taxed amount.**
- (iv) THAT the Respondent do bear the costs of this application.**

2. The application is premised on the grounds that (a) the Advocate-Client Bill of Costs was taxed on the 14/01/2008 in the sum of Kshs.141,800/= and (b) the said orders have not been set aside and/or altered. The application is also supported by the sworn affidavit of **Leah W. Muchiri** Advocate, dated 8/07/2008 in which she affirms the grounds in support of the application and also says that no reference has been filed against the decision of the taxing officer.

3. The Respondents who were duly served did not file any replies to the application. What then is the fate of the Applicant's application? Under Section 51(2) of the Advocate's Act, this court has power to make an order that judgment be entered for the sum certified to be due unless the certificate of the taxing officer has either been set aside or altered by an order of the court. In the instant case the certificate of the taxing officer has neither been set aside nor altered by the court. Further, the application is not opposed which means that the respondents do not dispute the retainer.

4. In the circumstances, I have no option but to find and hold that the Applicant is entitled to the orders sought. Accordingly, I enter judgment for the Applicant as against the Respondents in the sum of Kshs.141,800/= with interest thereon at the rate of 12% per annum from the date of taxation until payment in full. The costs of this application shall be borne by the Respondent.

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