

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

(MILIMANI LAW COURTS)

Misc Civil Appli 895 of 1997

OGUTU WARIUKI & CO. ADVOCATES.....
.....APPLICANT

VERSUS

JOINT LIQUIDATORS-NDUMBERI FARMERS CO. LTD (IN LIQUIDATION)
.....RESPONDENT

RULING

Before me is a Notice of Motion brought under Section 51(1) of the Advocates Act Rule 7 of the Advocates (Remuneration) Order and Order L Rule 1 of the Civil Procedure Rules in which the applicant seeks orders that the costs as taxed by the Deputy Registrar between Client/Advocate be made Judgment of the court and that costs of this application be provided for.

The application is based on the fact that the said costs have remedy been taxed and Certificate of Costs issued and that the Respondent is yet to pay the said sum.

The application is also supported by an affidavit sworn by Ndungu Wariuki in which he avers that the Advocate/Client Bill of Costs was taxed at Shs.1,000,000/= by the Deputy Registrar and who issued a Certificate of Taxation.

The Respondent has not filed any Reference by way of an appeal against the said taxation and there is no dispute as to the retainer.

The Respondent was served but he never filed any papers to oppose the application.

The application being not opposed, is allowed in terms of Prayers 1 and 2 of the Notice of Motion dated 16th November 1997.

Dated at Nairobi this 13th day of March 2007.

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J.L.A. OSIEMO

JUDGE