

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI MILIMANI LAW COURTS
MISC CIVIL APPLI 223 OF 1997

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

VERSUS

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

RULING

The applicant brought this Notice of Motion under Section 51(1) and (2) of the Advocates Act, Rule 7 of the Advocates (Remuneration) Order and Order L Rule 1 of this Civil Procedure Rules seeking 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 already 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 on 3rd July 1997 at Shs.1,600,000/= by the Deputy Registrar and who issued a Certificate of Taxation. The Respondent has not filed a Reference by way of an appeal against the said taxation and there is no dispute as to the retainer.

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

The application being not opposed the same is allowed in terms of Prayers 1 and 2 of the Notice of Motion dated 16th November 2006.

Dated at Nairobi this 13th day of March 2007.

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J.L.A. OSIEMO

JUDGE