

REPUBLIC OF KENYA

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

Misc Appli 114 of 2005

B. MBAI & ASSOCIATES ADVOCATES.....APPLICANT

VERSUS

MBO I KAMITI FARMERS CO. LTD.....RESPONDENT

RULING

The Applicant by way of this Notice of Motion dated 8th August 2006 and expressed to be brought under Section 51 (2) of the Advocates Act, Rule 7 of the Advocates (Remuneration) Order and Order L Rule 1 of the Civil Procedure Rules seeks orders that the costs as taxed by the Deputy Registrar on 13th May 2006 as between Client/Advocate be made judgment of this 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 Timothy K. Waweru on 8th August 2006 in which he avers that the Advocate/Client Bill of Costs was taxed on 13th May 2006 at Shs.147,195/= by the Deputy Registrar and who issued a Certificate of Taxation and that the Respondent herein has not filed a reference by way of an appeal against the said taxation and that there is no dispute as to the retainer.

The Respondent was served with this application but never filed any papers to oppose the application nor did he appear in court to oppose the same.

The application being unopposed, the same is allowed in terms of Prayers (a) (b) and (c) of the Notice of Motion dated 8th August 2006.

Dated and delivered at Nairobi this 30th day of April, 2007.

J.L.A. OSIEMO

JUDGE