

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)
Civil Case 554 of 1998

HEZEKIAH KARANJA GITATA.....PLAINTIFF

Versus

MBO-I-KAMITI FARMERS LTD.....DEFENDANT

RULING

The Applicant by way of this Notice of Motion dated 3rd May 2006 and expressed to be brought under Section 51 (2) of the Advocates' Act and Rule 7 of the Advocates (Remuneration) Order and Order L Rule 1 of the Civil Procedure Rules seeks orders that the costs taxed by the Deputy Registrar on 17th February 2005 as between Client/Advocate be made judgment of this court and that costs for 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 3rd May 2006 in which he avers that the Advocate/Client bill was taxed on 17th February 2005 at Shs.179,285.47 by the Deputy Registrar and who issued a certificate of taxation and that the respondent however has not filed a reference by way of an appeal against the said taxation and that there is no dispute as to retainer.

The Respondent was served with this Application but never filed any papers to oppose the Application nor had he appeared in court to oppose the same.

The Application being unopposed, I allow it in terms of prayers 1,2, and 3 of the Notice of Motion dated 3rd May 2006.

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

J.L.A. OSIEMO

JUDGE