

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)
Misc Appli 132 of 2005

MBAI & KIBUTHU ADVOCATES.....PLAINTIFF

Versus

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

RULING

Before me is a Notice of Motion 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 in which the Applicant Advocate seeks Orders that the costs as taxed on 15th 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 in which he avers that the Advocate/Client bill of costs was taxed on 15th May 2006 at Kshs.79,973.20 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 24th July 2006.

Dated and delivered at Nairobi this 24th day of April 2007.

J.J.A. OSIEMO

JUDGE