



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI (MILIMANI COMMERCIAL COURTS)**

**CIVIL CASE 410 OF 2006**

**NELSON KABURU FELIX t/a NELSON KABURU ADVOCATES ..... APPLICANT**

**versus**

**NAHASHON M. MWITI t/a MWITI & CO. ADVOCATES ..... RESPONDENT**

**RULING**

The Originating Summons dated 6<sup>th</sup> July 2006 was prosecuted *ex-parte* before me by the Applicants, represented by Nelson Kaburu, Advocate, the Respondent who had been dully served having failed to oppose the application, and upon my having carefully considered what was brought to my attention during the hearing of the said Originating Summons, including the prayer that the Respondent be compelled to honour within a specific period, his professional undertaking, I do find that the Respondent is in breach of his professional undertaking and should now honour it by paying the balance of KShs.480,839/= which he is hereby ordered to pay with interest at court rates from the date of dishonour of the undertaking.

Payment be made within 60 days from the date of this ruling. The Respondent will also pay bank charges, if any, on dishonoured cheques within the said 60 days plus costs of this Originating Summons. In default of the aforesaid payments, or any of them, execution to issue.

Dated this 22<sup>nd</sup> Day of October 2007.

**J. M. KHAMONI**

**JUDGE**