

REPUBLIC OF KENYA

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

Misc Appli 1375 of 2006

ONYONI OPINI & CO. ADVOCATES.....APPLICANT

VERSUS

INVESCO ASSURANCE COMPANY LIMITED....RESPONDENT

RULING

The Applicant **Onyoni Opini & co.** advocate has by Notice of Motion expressed to be brought under **Section 51(2)** of the Advocates Act sought judgment on taxed costs at Kshs.71,487/40 together with interest at court rates against its client. The grounds for the application are that the Advocate/client costs were taxed on 6th March, 2007 by the taxing officer and have since not been settled despite demand and neither has the respondent sought to have the costs altered or raised. The application is unopposed.

There is an annexed affidavit in which the applicant has annexed the letter instructing his firm to act for the client in CMCC No.8409 of 2004. The Applicant has also annexed demand letters for the payment of the fees which have remained unheeded. The Applicant depones further that the costs were taxed by the taxing master on 6th March 2007 and has annexed a certificate of costs to that effect.

I see from the record that this application was served on the client's advocate on record in good time and that no papers have been filed in response.

I have considered this application and am satisfied that the retainer is unchallenged. I also find that the client was duly served with the notice of taxation and notice of the hearing of this application and that both times, there was no papers filed. The advocate deserves his costs and since the client has not challenged the taxation in any way judgment is entered for the advocate in sum as prayed together with interest at 9% from the date of taxation until payment in full. Applicant also gets costs of the application.

Dated at Nairobi this 19th day of October, 2007 .

LESIT J.

JUDGE

Read, signed and delivered in presence of:

Miss Kamau h/brief for the Applicant

N/A for Respondent

LESIT, J.

JUDGE