



REPUBLIC OF KENYA

HIGH COURT AT NAIROBI(MILIMANI COMMERCIAL COURTS)

MISC CIV APPLI 360 OF 2007

D. NJOGU & CO. ADVOCATES.....APPLICANT

VERSUS

CITY COUNCIL OF NAIROBI.....RESPONDENT

RULING

The application dated 30th July, 2007 brought under Section 51(2) of Advocate Act and Order L rule 1 of Civil Procedure Rules and Rule 7 thereunder seeks judgment for taxed costs at Kshs.80,565/= and interest at 14% per annum from 2nd January, 2007 until payment in full.

The application was unopposed. The Advocate has annexed a certificate of taxation which is proof that the Advocates costs were taxed and a certificate issued.

The Advocate depones that the certificate of taxation has neither been varied nor set aside.

The Advocate further depones that there is no dispute as to retainer. The Advocate annexed a letter from the Client instructing him to act on several cases, including the one which is the subject matter of the taxation. The Notice of Change of Advocate is annexed as proof that the Advocate did file the Notice in Court and that he acted for the client. The retainer is therefore not in dispute.

Having come to this conclusion, I enter Judgment is entered for the Advocate against the Client as prayed in prayers 1, 2 and 3 of the Application dated 30th July, 2007.

Dated at Nairobi this 9th November, 2007.

LESIIT, J.

JUDGE

Read, signed and delivered in the presence of:

Mr. Imende for Mr. Njenga for Applicant

LESIT, J.

JUDGE