

**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA**

AT NAIROBI (NAIROBI LAW COURTS)

Misc Appli 1078 Of 2004

OGETO, KERONGO AND COMPANY ADVOCATES.....APPLICANT

VERSUS

TITUS LEMUSEI NGOYONI.....RESPONDENT

RULING

The application by way of Notice of motion brought under Section 51 (1) and (2) of the Advocates' Act and Order L Rule 1, 2 and 3 of the Civil Procedure Rules seeks orders that judgment be entered in favour of the applicant against his client in the sum of Shs.817,439/= being the sum in the certificate of costs issued by the Deputy Registrar on 5th May 2005. Section 51 (2) of the Advocates Act provides as follows:-

“The Certificate of the Taxing Officer by whom any bill has been taxed shall unless it is set aside or altered by the court, be final as to the amount of the costs covered thereby, and the court may make such order in relation thereto as it thinks fit, including, in a case where the retainer is not disputed, an order that judgment be entered for the sum certified to be due with costs.”

The retainer is not disputed in the instant case and the client has not filed any papers to oppose the application. I allow the application and enter judgment in favour of the advocate as prayed.

The client will bear the Advocates' costs of this application.

Dated at Nairobi this 2nd day of February 2006.

J.L.A. OSIEMO

JUDGE