

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

Misc 867 of 2005

KANTAI & CO. ADVOCATESAPPLICANT

VERSUS

KENYA BUS SERVICES LTDRESPONDENT

RULING

On 8th December 2005, the Advocate/Client Bill of Costs was taxed by consent of the parties thereto. Subsequent to the said taxation, the learned taxing officer issued a certificate of taxation, in the sum of Kshs.71,108/80.

The advocates have now moved this court by way of a Notice of Motion which was expressed as having been made pursuant to the provisions of Section 51 (1) and (2) of the Advocates Act, as read together with Order 50 rules 1, 2 and 3.

By the supporting affidavit of Sankale Ole Kantai, the advocates have stated that they had been instructed by the client, who is the respondent herein, to represent them in **CMCC No. 13429 of 2003, Bernard Njoroge Karungo –vs- Kenya Bus Services Limited.**

Copies of the Plaintiff and the Defence in those proceedings have also been annexed to the supporting affidavit.

As there has been no replying affidavit, there is no doubt that the advocates had been duly instructed.

Secondly, as the taxation was also done with the consent of the client, I am satisfied that there is no dispute as to retainer, in this matter.

Accordingly, pursuant to the provisions of Section 51 (2) of the Advocates Act, the certificate of costs is deemed to be final on the issue of the quantum of such costs. Therefore, in exercise of the authority conferred on this court, by the provisions of the said section, I hereby order that judgment be entered in favour of the applicant, for the sum of Kshs.71,108/80.

Furthermore, I direct that the said sum shall attract interest at the rate of 9% per annum from 8th December 2005, until payment in full. This award of interest is in accordance with rule 7 of the Advocates (Remuneration) Order.

Finally, the costs of the application are awarded to the applicant.

FRED A. OCHIENG

JUDGE

Dated and Delivered at Nairobi this 24th day of May 2006.

M. KASANGO

JUDGE