

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

Misc Appli 823 of 2004

**MURIU, MUNGAI & CO. ADVOCATES
APPLICANT**

VERSUS

**KODAK (K) LIMITED
.....RESPONDENT**

RULING

The Applicant/Advocate has filed a Notice of Motion dated 3rd April, 2006. that Notice of Motion seeks judgement on certified sum of Kshs.14,674/= together with interest at court rate. This amount is the subject of taxation dated 22nd July, 2006. The affidavit in support states that the Respondent instructed the Applicant to make some recoveries for it. Subsequently on the 14th October, 1998 the Applicant raised a deposit request note for the sum of Kshs.29,835/=. On 17th May, 2001 the applicant sent to the Respondent a final fee note for settlement. The said fee note was annexed to the affidavit. The Respondent, although it received several communications from the Applicant did not pay the final fee. Accordingly the applicant filed a bill of costs which was taxed at aforesaid for amount of

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Kshs.14,674/=. The Respondent although served with the application for judgement did not attend the hearing and there was therefore no opposition to the applicant's application. Court finds that the application satisfies Section 51(2) of the Advocates Act and the order sought are therefore merited. The court grants the following orders:-

- (1) Judgement is hereby entered in favour of the Applicant for Kshs.14,674/= together with interest at court rate from date of 22nd July, 2005 until payment in full.
- (2) The applicant is granted costs of the Notice of Motion dated 3rd April, 2006.
- (3) The applicant is granted liberty to execute against the Respondent the judgement of this court.

MARY KASANGO

JUDGE

Dated and delivered this 29th day of September, 2006.

MARY KASANGO

JUDGE

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