

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

**MILIMANI COMMERCIAL COURTS
Misc Civ Appli 774 of 2006**

**C.M. W P/A WEKESA & CO. ADVOCATES.....
.....APPLICANT**

VERSUS

**JOHN K. HINGA
.....RESPONDENT**

RULING

The relationship between the Applicant and the Respondent is one of Advocate/Client. The Applicant being the advocate had its costs taxed as against the Respondent for the amount of Kshs 154, 807/-. After the said taxation the Applicant demanded this amount from the Respondent by their letter dated 6th September 2006. The Applicant deponed in the affidavit in support that the Respondent failed to make payment of the demanded amount. The applicant has now moved by way of Notice of Motion dated 19th September 2006 seeking that judgment be entered under the provisions of Section 51 of the Advocates Act. Section 51 [2] of the Advocates Act provides that unless the certificate of taxation is set aside or altered by the court, the amount thereof is final as the amount of costs and the court may enter judgment for that taxed amount set out in the certificate of costs where the retainer is not disputed. The Respondent hereof had not denied retainer, indeed he was served with the afore stated Notice of Motion but failed to attend the hearing.

The court finds no reason why the taxed amount should not be entered in judgment in favour of the Applicant. The order of this court is: -

- (1) That judgment be and is hereby entered in favour of the Applicant for Kshs 154, 807/-.**
- (2) The Applicant is awarded costs of the notice of Motion dated 19th September 2006.**

MARY KASANGO

JUDGE

Dated and delivered this 17th October 2006

MARY KASANGO

JUDGE