

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

COMMERCIAL DIVISION, MILIMANI

Misc Appli 211 of 2005

WAINAINA IRERI & COMPANY ADVOCATES.....APPLICANT

VERSUS

KENYA BUS SERVICES LIMITED.....RESPONDENT

RULING

The applicant has by a Notice of Motion sought for judgment to be entered in its favour in respect of taxed costs against the respondent. The applicant has moved under section 51 (1) and (2) of the Advocates Act. The respondent despite being served did not attend the hearing nor did it file any papers in opposition.

The applicant was retained by the respondent to represent the respondent in RMCC No. 3272 of 2001.

The applicant filed a memorandum of appearance and a defence on behalf of the respondent and subsequently successfully applied for the dismissal of the suit. The respondent failed to pay the applicant's fees and the same were taxed at kshs 38, 217. 50. The applicant seeks for interest at the rate of 9% per annum. I have considered the application dated 23.6.2005 and I find that the same is merited and accordingly I grant the following orders: -

(1) That judgment be entered against the respondent in the sum of kshs 38, 217. 50 with interest at the rate of 9% from the 8th June 2005 until payment in full.

(2) That the applicant is awarded costs of the application dated 23rd June 2005.

Dated and delivered this 29th July 2005.

**MARY KASANGO
JUDGE**