

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
CIVIL CASE NO. 301 OF 1997

=1. AHMED ABEID SAID
2. MUHANDIS ABEID SAIDAPPLICANTS/PLAINTIFFS
V E R S U S
S.S. NURANIRESPONDENT/DEFENDANT

R U L I N G

This is an application under Advocates Act Cap. 16 under rule 11.

The applicant objects to the taxation of the bill on the grounds that the taxing masters decision in taxing item no. 8 was erroneously arrived at because the suit did not proceed to hearing.

The taxing master has todate not given his reasons as required by the rule although requested to do so by applicants advocates letter dated October 2001. It is this decision that the judge in chambers is expected to review.

The total bill taxed amounts to shs. 63.210/- and only one item amounting to shs. 35.000 is challenged. To avoid further delay in this matter the file shall be returned to taxing master to record his reason for allowing the disputed item forthwith.

The amount of shs. 35,000/- is challenged. The taxing master has wide discretion in matters of taxing bills and the court can only interfere in special cases.

I order that this file be placed before the taxing master to enable him to record the reasons for taxing the item and the matter will then be placed before judge in chambers for consideration as to whether discretion was exercised judicially in the matter.

In the meantime no stay is granted for the payment of undisputed amount. Stay is limited only to shs. 35,000/- disputed.

J. KHAMINWA
COMMISSIONER OF ASSIZE
14.6.2002