



Anyumba & Associates Advocates v Otieno (Environment and Land Miscellaneous Application E009 of 2022) [2023] KEELC 18549 (KLR) (6 July 2023) (Ruling)

Neutral citation: [2023] KEELC 18549 (KLR)

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KISUMU
ENVIRONMENT AND LAND MISCELLANEOUS APPLICATION E009 OF 2022
E ASATI, J
JULY 6, 2023
IN THE MATTER OF: THE ADVOCATES ACT CAP 16 OF THE LAWS OF KENYA
AND
IN THE MATTER OF: THE ADVOCATES' REMUNERATION ORDER, 2014
BETWEEN
ANYUMBA & ASSOCIATES ADVOCATES ADVOCATE
AND
OLWAL GABRIEL OTIENO CLIENT

RULING

1. This ruling is in respect of the Notice of Motion application dated 26th August 2020 which seeks for orders, inter alia, that judgement be entered in terms of the certificate of costs and decree be drawn in favour of the Advocate/applicant. It also seeks for an order that costs of the application be provided for. The grounds of the application are that the applicant represented the Respondent in Kisumu Cmc El Case No. 8 of 2018 Olwal Gabriel Otieno Vs Kenya Women Finance Trust And Kisumu Elc No. 293 of 2018 Gabriel Otieno Olwal. That the parties were unable to agree on the Advocates fees in settlement of the claim and that the client/Respondent had been given ample notice of the bill of costs to no avail. The application was supported by the averments in the Supporting Affidavit sworn on 26/10/2020 by George O. Anyumba Advocate. The application was unopposed. Perusal of the court record shows that the Respondent was served with the application on 24th February 2022 whereupon he instructed the firm of Maureen Olonyi & Associates to represent him. Through the said law firm he filed an application dated 14th September 2022 challenging the application the subject of this ruling. The record further shows that vide a letter dated 4th October 2022, the Respondent abandoned his application dated 14th September 2022.



2. Section 51(2) of the *Advocates Act* empowers the court to make an order that judgement be entered for the sum certified to be due with costs. I have read and considered the application. I have also read the court record generally. The applicant's fees was taxed by the Deputy Registrar of the Court at Kenya shillings two hundred and thirty six thousand three hundred and thirty only (Kshs.236, 330/=) and a certificate of taxation dated 13th October 2022 issued. I have read the ruling dated 13th October 2022 by the Deputy Registrar on the taxation. There being no opposition to the application, the Certificate of Costs having not been reviewed or varied, I find that the application is merited. I allow the application and hereby enter judgement in favour of the applicant on the basis of the certificate of costs dated 13th October 2022 for Kenya Shillings Two Hundred and Thirty Six Thousand Three Hundred and Thirty only (Kshs.236,330/=). Costs of the application are awarded to the applicant.

Orders accordingly

RULING, DATED AND SIGNED AT KISUMU, READ VIRTUALLY THIS 6TH DAY OF JULY 2023 THROUGH MICROSOFT TEAMS ONLINE APPLICATION.

E. ASATI

JUDGE.

In the presence of:

Kevin: Court Assistant.

No appearance for the Applicant/Advocate

No appearance for the Respondent/Client

