



Onyango, Jonyo & Co. Advocates v Odhiambo (Miscellaneous Application E265 of 2024) [2025] KEHC 424 (KLR) (22 January 2025) (Ruling)

Neutral citation: [2025] KEHC 424 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS APPLICATION E265 OF 2024**

**JM OMIDO, J
JANUARY 22, 2025**

BETWEEN

ONYANGO, JONYO & CO. ADVOCATES APPLICANT

AND

JOHN OTIENO ODHIAMBO RESPONDENT

RULING

1. This ruling results from the Advocate/Applicant's Notice of Motion dated 15th November, 2024, brought Section 51 of the *Advocates Act*, Cap 16 Laws of Kenya and seeks the following orders:
 - a. That the Certificate of Costs dated 6th November, 2024, in respect of the order made on 6th November, 2024 for the sum of Kshs 124,679/- be adopted as the judgement and decree of this Honourable Court.
 - b. That the Applicant be awarded interest accrued on the costs at 14% per annum from 4th November, 2024 until payment in full.
 - c. That the costs of this application be borne by the Client/Respondent.
2. The grounds upon which the application is premised are in precis that the Respondent instructed the Appellant to act for it in Kisumu SCCCOMM Case No E427 of 2023 and that the Applicant professionally executed the Respondents instructions. The Respondent subsequently failed to settle the Applicant's legal fees which then resulted in the Applicant filing its bill of costs that was subsequently taxed by the Taxing Master at Kshs 124,679/- and a Certificate of Taxation of Costs issued to that effect on 4th November, 2024. The costs remain unsettled.
3. The application is supported by the affidavit of Oscar Onyango, Advocate, the proprietor of the Applicant law firm sworn on 15th November, 2024. The affidavit, to which is annexed inter alia the Certificate of Taxation of Costs, expounds on the above grounds.



4. Service of the application and the hearing notice thereof was effected upon the Respondent to the satisfaction of this court. The Respondent did not respond to the Motion and the application thus proceeded as unopposed.
5. Having perused the application, the affidavit in support thereof and the record in its entirety, I am satisfied that the Applicant has demonstrated that it was instructed by and represented the Respondent in the above matter and that the Applicant's costs as determined by the Taxing Master remain unsettled.
6. Having said as much, the application has merit and I will proceed to allow it in the following terms:
 - a. That judgement is hereby entered in favour of the Applicant against the Respondent for the sum of Kshs 124,679/- as per the Certificate of Taxation of Costs issued herein dated 4th November, 2024.
 - b. That the above sum of Kshs 124,679/- shall attract interest at the rate of 14% per annum from 4th November, 2024 until payment in full.
 - c. That as the Notice of Motion dated 15th November, 2024 was not opposed, I make no orders as to costs in respect thereof.

DELIVERED (VIRTUALLY), DATED AND SIGNED THIS 22ND DAY OF JANUARY, 2025.

JOE M. OMIDO

JUDGE

For The Applicant: Mr. Jonyo.

For The Repondent: No appearance.

Court Assistant: Mr. Ngoge & Mr. Juma.

