



Detiland Company Limited v Radio Africa Limited & 4 others (Miscellaneous Civil Application E269 of 2024) [2025] KEHC 2677 (KLR) (Civ) (6 March 2025) (Ruling)

Neutral citation: [2025] KEHC 2677 (KLR)

REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CIVIL
MISCELLANEOUS CIVIL APPLICATION E269 OF 2024
JN MULWA, J
MARCH 6, 2025
IN THE MATTER OF THE ADVOCATES ACT, CAP 16 OF THE LAWS OF KENYA
AND
IN THE MATTER OF TAXATION OF COSTS BETWEEN ADVOCATE AND CLIENT

BETWEEN

DETILAND COMPANY LIMITED APPLICANT

AND

RADIO AFRICA LIMITED 1ST RESPONDENT

STAR PUBLICATIONS LIMITED 2ND RESPONDENT

JULIUS OTIENO 3RD RESPONDENT

HENRY MAKORI 4TH RESPONDENT

ALEX SANDIKE OLE MAGELO 5TH RESPONDENT

(Being a reference from the Ruling of Honourable S.K Motari, Deputy Registrar High Court at Nairobi delivered on 22nd March 2024)

RULING

1. By a Chamber Summons application dated 4/4/2024 brought under Rule 11 (1) and (2) of the Advocates Remuneration Order, Section 3A of the [Civil Procedure Act](#), and all enabling provisions of the law, the 5th Defendant/Applicant seeks the following orders:

1. That the decision of the taxing master delivered on 22/3/2024 in the Applicant's Party and Party Bill of Costs dated 6/11/2023 be reviewed in terms of item 1 of the Bill of Costs.



2. That the decision of the Taxing Master in the Party and Party Bill of Costs dated 6/11/2023 between the parties made on 22/3/2024 be reviewed in terms of items 2,6,8,10,12,13,14,16,17,18,19,21,23,26,27 and 28 of the Bill of Costs.
3. That the costs of this application be provided for.
2. In the Applicant's supporting affidavit sworn on an even date by Brian Otieno, advocate for the applicant, and grounds stated on its face, it is submitted that the learned taxing master erred in law and in principle by determining the amount of Kshs. 34, 610/= to be instruction fees whereas the same could be ascertained from the pleadings, the nature, importance and the complexity of the matter at Kshs. 5, 658,900/=.
3. Further the taxing master is faulted for taxing off a sum of Kshs. 4,190,000/= as instructions fees on item 1 on the Party and Party Bill of costs dated 6/11/2023 and on other items as enumerated above.
4. Additionally, the Taxing Master is faulted for failing to consider the Applicants submissions dated 29/1/2024 and thereby arrive at an unfair conclusion, hence the prayers sought in the chamber summons.
5. The summons are not opposed.
6. However, before proceeding to interrogation of the summons, the court notes that the Advocates acting for the Applicant, the 5th Defendant/Respondent, Brian Otieno & company Advocates by a motion dated 5/11/2024 sought leave to cease acting for the said 5th defendant. This motion was filed after the motion under review dated 4/4/2024, and the records show that it is yet to be prosecuted.
7. In the circumstances, it is the court's view that the motion dated 5/11/2024 filed by the 5th defendant's advocates be heard and determined.
8. Consequently, it is directed that the Motion dated 5/11/2024 be served upon the 5th Respondent in person, and the rest of the respondents and return for interpartes hearing on 2/04/2025.

Orders accordingly.

DELIVERED DATED AND SIGNED AT NAIROBI THIS 6TH DAY OF MARCH, 2025

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JANET MULWA.
JUDGE

