



Ogejo Omboto & Kijala, Advocates, LLP v United Millers Limited (Miscellaneous Application E040 of 2023) [2025] KEHC 8084 (KLR) (10 June 2025) (Ruling)

Neutral citation: [2025] KEHC 8084 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT BUSIA
MISCELLANEOUS APPLICATION E040 OF 2023
WM MUSYOKA, J
JUNE 10, 2025**

BETWEEN

OGEJO OMBOTO & KIJALA, ADVOCATES, LLP APPLICANT

AND

UNITED MILLERS LIMITED RESPONDENT

RULING

1. I am called upon to determine an application, dated 1st March 2025. It seeks stay of execution of an order I made herein on 27th November 2024, review of the said orders, and the transmission of the lower court file back to the lower court for fresh taxation.
2. The foundation of the application is the claim that the taxed amount of costs, of Kshs. 572,185.51, arising from Busia CMCCC No. 171 of 2018, had in fact been paid prior to the taxation of the Advocate-client bill of costs. It is stated that the respondent had raised a fee note of Kshs. 942,000.00, with respect to Busia CMCCC No. 171 of 2018, and the said fee note was settled, together with others, when a payment of Kshs. 11,605,000.00 was made through RTGS, on 4th July 2020.
3. From the documents, attached to the affidavit sworn in support of the application, by Kamal Narshi Shah, on 1st March 2025, I do not see any that relates to a RTGS of 4th July 2020, nor any relating to a payment of an amount of Kshs. 11,605,000.00, from a bank account operated by the applicant to that operated by the respondent, through RTGS.
4. In short, I have no evidence before me, to establish that an amount of Kshs. 11,605,000.00 was paid to the respondent, and that part of that alleged amount covered the fees for the services rendered with respect to Busia CMCCC No. 171 of 2018.
5. In view of the above, I do not have any material before me upon which I can grant the orders sought in the application, by way of the Motion, dated 1st March 2025. That application is dismissed, with costs. The temporary orders, of 4th March 2025, are hereby discharged. Orders accordingly.



DELIVERED, VIA EMAIL, DATED AND SIGNED IN CHAMBERS, AT BUSIA ON THIS 10TH DAY OF JUNE 2025.

WM MUSYOKA

JUDGE

Mr. Arthur Etyang, Court Assistant.

Advocates

Mr. Odhiambo, instructed by Wasuna & Company, Advocates for the applicant.

Mr. Okwemba, instructed by Ogejo Omboto & Kijala, Advocates for the respondent.

