



REPUBLIC OF KENYA



Onsongo & Company Advocates v Associated Construction Co. Limited (Miscellaneous Application E117 of 2023) [2024] KEHC 1059 (KLR) (8 February 2024) (Ruling)

Neutral citation: [2024] KEHC 1059 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS APPLICATION E117 OF 2023
RE ABURILI, J
FEBRUARY 8, 2024**

BETWEEN

ONSONGO & COMPANY ADVOCATES APPLICANT

AND

ASSOCIATED CONSTRUCTION CO. LIMITED RESPONDENT

RULING

1. I have considered the application dated 6th December 2023 brought under Section 51(2) of the *Advocates Act* seeking for orders that judgment be entered for the advocate in terms of the Certificate of Costs dated 27th November 2023 in the Advocate/Client costs of Kshs.237,814.42 together with interest at 14% p.a from the date of instructions on 5th April 2019 and costs of the application.
2. I note that from the e-portal, the Respondent was served with the application and Notice of hearing for today but has not responded. I also observe that from the annexed documents, there are email correspondence between the advocate and the client Respondent for an amicable settlement but no settlement has been reached.
3. There is no Reference filed challenging the certificate of costs and neither is there any dispute as to retainer.
4. For the above reasons, I hereby enter judgement for the advocate against the Client/Respondent in the sum of Kshs.237,814.42 as per the Certificate of Costs dated 27th November 2023.
5. On the prayer for interest and from when it should apply, under Rule 7 of the Advocates' Remuneration Order, the advocate would be entitled to interest at 14% p.a from one month after the delivery of the itemized bill of costs to the client.
6. In this case, the client was served on 23rd August 2023.
7. Accordingly, the advocate is entitled to interest at 14% p.a from 23rd September 2023.



8. Decree to issue forthwith and execution shall only be levied after service of the decree upon the Respondent Client, requiring the client to settle the decree and only after lapse of at least ten (10) days from the date of service of the said decree.
9. On costs, in order to bring this matter to an end and to avoid escalation of costs, I order that each party to bear their own costs of the application dated 6th December 2023.
10. The matter shall be mentioned before the Deputy Registrar on 22nd February 2024 to confirm settlement of decree and closure of the file.
11. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 8TH DAY OF FEBRUARY, 2024

R. E. ABURILI

JUDGE

