



Bruce Odeny & Co. Advocates v Pride Kings Security Services Ltd (Miscellaneous Civil Application E102 of 2023) [2024] KEHC 5184 (KLR) (15 May 2024) (Ruling)

Neutral citation: [2024] KEHC 5184 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CIVIL APPLICATION E102 OF 2023
RE ABURILI, J
MAY 15, 2024**

BETWEEN

BRUCE ODENY & CO. ADVOCATES APPLICANT

AND

PRIDE KINGS SECURITY SERVICES LTD RESPONDENT

(Arising from the professional services rendered by the Applicant for the Respondent in the original Kisumu CMCC No.385 of 2020)

RULING

1. On 26th October 2023, the Deputy Registrar of this court delivered a ruling on the taxation of Advocate/Client Bill of Costs dated 26th July 2023. She taxed that bill at Kshs.110,466.
2. The Bill emanated from legal services and retainer of the advocate by the client in Kisumu CMCC No. 385 of 2020 *Fredrick Otieno Oduor T/A Ratuoro Bookshop vs Pride Kings Security Services*.
3. I however observe that in the Ruling stated hereinabove, the taxing master stated as follows:-

“Ordinarily the bill should have been filed in the ELRC but nevertheless I will proceed to tax the same.”
4. There is no basis laid for the above statement in the Ruling. That aside, the question is, on what basis was the bill of costs taxed? If it is Kisumu CMCC No. 385 of 2020, then where is the evidence that that primary file where services were allegedly rendered by the Advocate for the Client/Respondent was called for and availed and perused to confirm any of the items in the bill of costs which was taxed?
5. I have perused the entire court file and every bit of it but find no evidence of the primary court file having been called for perusal and verified.



6. Taxing a bill of costs without the original court file where services are said to have been rendered is an error in principle, unless there is a consent recorded between the parties on the bill.
7. For the above reasons, I need not delve into the objections raised by the Respondent claiming that it already settled the advocate legal fees.
8. On my own motion, I reject the taxation and set aside the taxation and certificate of taxation issued on 26th October 2023 and remit the file back to the Deputy Registrar to reconsider the matter in line with my observations in this Ruling.
9. I make no order as to costs.
10. Mention before the Deputy Registrar on 27th June, 2024.
11. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 15TH DAY OF MAY, 2024

R. E. ABURILI

JUDGE

