



**Geoffrey Yogo & Erick Ojuro T/A Otieno, Yogo, Ojuro & Co.  
Advocates v Dominion Farms Limited (Miscellaneous Civil Application  
E027 of 2022) [2024] KEHC 5126 (KLR) (9 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5126 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CIVIL APPLICATION E027 OF 2022**

**RE ABURILI, J**

**MAY 9, 2024**

**BETWEEN**

**GEOFFREY YOGO & ERICK OJURO T/A OTIENO, YOGO, OJURO & CO.  
ADVOCATES ..... ADVOCATE**

**AND**

**DOMINION FARMS LIMITED ..... CLIENT**

*(Arising from the professional legal services rendered by the Applicant/Advocate  
to the Respondent/client in Total Kenya Ltd vs Dominion Farms Limited)*

**RULING**

1. I have perused this file, the taxation conducted by the Deputy Registrar and her Ruling of 9<sup>th</sup> December 2023.
2. The Certificate of Taxation of costs is dated 9<sup>th</sup> December 2022 for Kshs.609,259.
3. I have considered the application seeking conversion of the certificate of costs into decree of this court.
4. I decline to grant the prayers sought for the following reasons:
  1. There is no case number given for the parties *Total Kenya Ltd v Dominion Farms Limited*.
  2. There is no evidence of retainer.
  3. There is no evidence of the cause of action whose value is given as Kshs.10,853,516.61.
  4. In my view, the taxation was wholly erroneous. This court is not a rubber stamp for entering of judgment on a certificate of costs that cannot be supported.



5. There is no evidence that the Taxing Master ever examined the parent file in which the advocate allegedly acted for the client.
6. The proceedings herein conducted by the Deputy Registrar are mechanical and a sham. They cannot stand.
5. I hereby set aside the taxation and certificate of costs dated 9<sup>th</sup> December 2022 and remit the file back to the Deputy Registrar for fresh interpartes taxation taking into account the reasons given herein upon ensuring that the Respondent has been duly served with the Bill and Notice of Taxation.
6. I so order

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 9<sup>TH</sup> DAY OF MAY, 2024**

**R. E. ABURILI**

**JUDGE**

