



**Geoffrey Yogo & Erick Ojuro T/A Otieno, Yogo, Ojuro & Co.
Advocates v Dominion Farms Limited (Miscellaneous Civil Application
E028 of 2022) [2024] KEHC 5122 (KLR) (9 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5122 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CIVIL APPLICATION E028 OF 2022**

RE ABURILI, J

MAY 9, 2024

BETWEEN

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

AND

DOMINION FARMS LIMITED RESPONDENT

*(Arising from the professional legal services rendered by the Applicant/
Advocate to the Respondent/client in Dominion Farms Limited vs Charles
Onyango Okumu, James Odhiambo Okumu & Wilson Odhiambo Mlama)*

RULING

1. The application dated March 24, 2023 seeks for adoption of the Certificate of Costs dated December 9, 2022 as Judgment/Decree of this court. It is not opposed.
2. I have considered the application, certificate of costs and the proceedings leading to the taxation.
3. I have also considered the Bill of Costs dated December 17, 2021 as filed.
4. I decline to adopt the Certificate of Costs as judgment of this court for the following reasons:-
 1. There is no case number given in which the advocate was instructed to institute suit for trespass against the Defendants. Only names of parties are given.
 2. There is no evidence that the advocate was retained to act for the client and whether the cause of action was for trespass and therefore the basis for KShs.200,000 as instruction fees.



3. There is no evidence that the Taxing Officer ever saw or examined the unnamed case file and in which court it was lodged, and whether the services allegedly rendered by the advocate were indeed rendered to warrant the Bill of Costs.
5. This court is not a rubber stamp of erroneous court processes.
6. In my view, there is no basis upon which the Taxing Master found the Bill of Costs dated December 17, 2021 as taxed for being to scale.
7. I decline to enter judgment in terms of the Certificate of Costs dated December 9, 2022.
8. I hereby set aside that faulty taxation together with the Certificate of Costs and remit the file to the Deputy Registrar of this court to retax the Bill afresh upon satisfying herself that the Respondent is duly served with the Bill and Notice of Taxation; and taking into account the observations made in this brief Ruling.
9. Mention before the Deputy Registrar on June 20, 2024. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 9TH DAY OF MAY, 2024

R. E. ABURILI

JUDGE

