



**Geoffrey Yogo & Erick Ojuro T/A Otieno, Yogo, Ojuro & Co. Advocates  
v County Government Of Kisumu (Miscellaneous Civil Application  
E060 of 2023) [2024] KEHC 5125 (KLR) (6 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5125 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CIVIL APPLICATION E060 OF 2023**

**RE ABURILI, J**

**MAY 6, 2024**

**BETWEEN**

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

**AND**

**COUNTY GOVERNMENT OF KISUMU ..... RESPONDENT**

*(Arising from the professional legal services rendered by the Applicant/Advocate to the Respondent/client in original matter Kisumu Court of Appeal Civil Application No. 42 of 2018)*

**RULING**

1. The application dated 14<sup>th</sup> December 2023 seeks for adoption of the Certificate of Costs dated 11<sup>th</sup> September 2023 as the decree of this court.
2. It is supported by the affidavit sworn by Geoffrey Ojuro Yogo Advocate sworn on 14<sup>th</sup> December 2023.
3. The application is not opposed. However, I have perused the said application and the file as a whole. The Ruling on taxation was rendered on 25<sup>th</sup> May, the year is unknown as it is not pronounced.
4. In addition, this being a Client/Advocate Bill of Costs, it was expected that the primary file wherein the advocate was instructed to represent the client, County Government of Kisumu, being Kisumu Court of Appeal Civil Application No. 42 of 2018 is availed before the Deputy Registrar for perusal to confirm the items in the Advocate/Client Bill of Costs dated 12<sup>th</sup> May 2023.
5. There is no evidence that the said file was available before the Deputy Registrar.



6. Albeit the Respondent/Client's advocate is not opposed to the application, it must be made clear that this court cannot rubber stamp wrong or erroneous proceedings as this is a court of law and a court of record.
7. The taxation was not grounded on the primary file wherein the services were allegedly rendered by the Advocate for the Client/Respondent.
8. Accordingly, I set aside the taxation and certificate of costs dated 11<sup>th</sup> September 2023 and remit the file back to the Deputy Registrar to comply with the matters raised herein before she can tax the Advocate/Client Bill of Costs dated 12<sup>th</sup> May 2023 afresh and interpartes.
9. I make no orders as to costs of the application dated 14<sup>th</sup> December 2023.
10. The matter shall be placed before the Deputy Registrar on 19<sup>th</sup> June 2024.
11. This Ruling to be typed forthwith.
12. I so order.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 6<sup>TH</sup> DAY OF MAY, 2024**

**R. E. ABURILI**

**JUDGE**

