



**Ogejo, Omboto & Kijala Advocates, Llp v United Millers Limited (Miscellaneous Civil Application E089 of 2023) [2024] KEHC 5129 (KLR) (9 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5129 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CIVIL APPLICATION E089 OF 2023**

**RE ABURILI, J**

**MAY 9, 2024**

**BETWEEN**

**OGEJO, OMBOTO & KIJALA ADVOCATES, LLP ..... APPLICANT**

**AND**

**UNITED MILLERS LIMITED ..... RESPONDENT**

*(Arising from the professional services rendered by the Applicant to the Respondent in the original Kisumu HC Insolvency Cause No. 1 of 2018)*

**RULING**

1. This matter is brought before this court vide an application dated 7<sup>th</sup> May 2024 under certificate of urgency. I have declined to certify it as urgent and reasons are contained in this Ruling.
2. I called upon the Applicant's counsel to attend court and Mr. Okwemba Advocate attended virtually.
3. The court notified him on the reasons for not certifying the application as urgent and the pitfalls in the entire proceedings.
4. First is that the taxation Ruling of 1<sup>st</sup> February 2024 was not anchored on any material or at all. I say so because the Bill of Costs dated 31<sup>st</sup> May 2023 is an advocate/client bill of costs.
5. It has over 85 items. It emanates from legal services retained in original Kisumu HC Insolvency Cause No. 1 of 2018. Yet, the Insolvency file was never called for or availed to the Taxing Master for verification of the items in the Bull. The Taxing Master relied on Advocate Remuneration Order Schedule 6 in making her determination of Kshs 2,145,489 but never looked at the principal file.
6. The question is, how did she arrive at the said figure?
7. For the above reasons, this court being a court of law and court of record, cannot accept and rubber stamp proceedings which were haphazardly conducted.



8. I decline to consider the merits of the application dated 7<sup>th</sup> May 2024 and strike it out.
9. I further set aside the taxation and certificate of costs dated 1<sup>st</sup> February 2024 and remit the file back to the Taxing Master for interpartes taxation of the Advocate/Client Bill of Costs taking into account the pitfalls raised herein so that when the application for adoption of a certificate of costs is availed, there must be the principal file relied on to arrive at the taxation.
10. This Ruling to be typed and uploaded.
11. Mention on 6<sup>th</sup> June 2024 before the Deputy Registrar for directions.

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

**R. E. ABURILI**

**JUDGE**

