



REPUBLIC OF KENYA



**Ogejo, Omboto & Kijala Advocates, Llp v United Millers Limited (Miscellaneous Civil Application E090 of 2023) [2024] KEHC 5127 (KLR) (9 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5127 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CIVIL APPLICATION E090 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 Constitutional Petition No. E004 of 2020)*

**RULING**

1. I have considered the application dated May 7, 2024 under certificate of urgency. I decline to certify it as urgent.
2. Having called upon counsel for the advocate/applicant Mr. Okwemba who attended court virtually and pointing out to him the pitfalls in this matter, I now proceed to determine as follows:
  1. That the proceedings leading to the issuance of the certificate of costs dated February 1, 2024 which is sought to be adopted as judgment of this court are erroneous in principle.
  2. That the application dated May 7, 2024 is struck out as it is anchored on an erroneous certificate of costs which was not supported.
  3. That the taxation and certificate of costs dated February 1, 2024 is hereby set aside.
  4. That the file is remitted to the Deputy Registrar for interpartes taxation taking into account the pitfalls pointed out in this Ruling.
  5. Mention before the Deputy Registrar on June 6, 2024 for directions.
3. Ruling to be typed and uploaded on the CTS.



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

**R. E. ABURILI**

**JUDGE**

