



**Ogejo, Omboto & Kijala Advocates, Llp v United Millers Limited (Miscellaneous Civil Application E091 of 2023) [2024] KEHC 5128 (KLR) (9 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5128 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CIVIL APPLICATION E091 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 Misc. Civil Application No. 121 of 2020)*

**RULING**

1. This matter came up for an application dated 7<sup>th</sup> May 2024 under certificate of urgency.
2. I decline to certify it as urgent but called upon the Applicant's counsel Mr. Okwemba did appear.
3. The court pointed out that the application for adoption of the certificate of costs dated 1<sup>st</sup> February 2024 could not be accepted by the court and the certificate converted as judgment of the court because there were various issues.
4. First, is that the Ruling on taxation which is handwritten dated 1<sup>st</sup> February 2024 and with no typed and signed Ruling was never signed by the Taxing Master thereby rendering it no decision at all such that the certificate of costs that followed is of no consequence and is incapable of being adopted by this court as judgment of the court.
5. Second, is that the bill of costs dated 31<sup>st</sup> May 2023 with 82 items was taxed without any reference being made to the principal file Kisumu HC Misc. Civil Application No. 121 of 2020.
6. The court therefore wonders where the Taxing Master verified the items of services rendered or disbursements from for her to award to the applicant advocate, even if the Bill was not opposed.



7. This court cannot, as a court of record, accept mechanical judicial proceedings conducted by the taxing master and adopt such proceedings as being valid.
8. Accordingly, I hereby decline to consider the application dated 7<sup>th</sup> May 2024 on merit. I strike it out as it is not anchored on valid authenticated orders.
9. I set aside and quash the proceedings leading to the issuance of certificate of costs dated 1<sup>st</sup> February 2024 and set aside that certificate of costs.
10. I remit the file to the Deputy Registrar of this court/Taxing Master to retax the bill afresh, taking into account the concerns raised in this Ruling.
11. Mention on 6<sup>th</sup> June 2024 before Deputy Registrar.
12. Ruling to be typed and uploaded on the CTS.

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

**R. E. ABURILI**

**JUDGE**

