



Ogejo, Omboto & Kijala Advocates, LLP v United Millers Limited (Miscellaneous Civil Application E147 of 2023) [2024] KEHC 4919 (KLR) (9 May 2024) (Ruling)

Neutral citation: [2024] KEHC 4919 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CIVIL APPLICATION E147 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 Court of Appeal Civil Appeal No. 247 of 2019)

RULING

1. I have considered the application dated 7th May 2024 under certificate of urgency. I find no urgency involved. I decline to certify it as urgent.
2. Having said so, I called on the Applicant's counsel on record to appear and address the court on the application. Mr. Okwemba Advocate appeared virtually and I pointed out to him the problem with the application and the entire proceedings leading to the taxation of the Advocate Client bill of costs dated 29th August 2023.
3. I pointed out that despite the bill being anchored on the legal representation in Court of Appeal Civil Appeal No. 247 of 2019, that file was never available for the Taxing Master to verify all the 19 items in the said bill of costs, including court attendances and even the type of Appeal or case.
4. Counsel did concede that there was no basis upon the bill was taxed and certificate of costs issued dated 11th April 2024, albeit he stated that he did not know that that was the position.
5. Having said that, and as this court cannot rubber stamp erroneous proceedings, being a court of record, I decline to allow the application dated 7th May 2024 to be heard on merit.



6. I strike it out and I proceed to set aside the taxation and certificate of taxation dated 11th April 2024 and direct that the matter be remitted back to the Deputy Registrar to retax the bill of costs interpartes taking into account the observations made in this Ruling.
7. Mention before the Deputy Registrar on 6th June 2024 for directions.
8. The Registry to notify the applicant.
9. I so order.

Dated, Signed and Delivered at Kisumu this 9th Day of May, 2024

R. E. ABURILI

JUDGE

