



Mbugwa Atudo & Macharia Advocates v Kenya Alliance Insurance Co. Ltd (Miscellaneous Civil Application E075 of 2022) [2024] KEHC 6411 (KLR) (3 June 2024) (Ruling)

Neutral citation: [2024] KEHC 6411 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CIVIL APPLICATION E075 OF 2022
RE ABURILI, J
JUNE 3, 2024**

BETWEEN

MBUGWA ATUDO & MACHARIA ADVOCATES APPLICANT

AND

KENYA ALLIANCE INSURANCE CO. LTD RESPONDENT

(Arising from the professional legal services rendered by the Applicant/Advocate to the Respondent/client in original matter Nyando SPMCC No. 117 of 2014)

RULING

1. The Bill of costs dated 16th February 2022 was taxed exparte on 12th October 2023.
2. From the record perused, the Bill arises from Advocate/Client legal services rendered in Nyando SPMCC no 117 of 2014 and comprising various items including court attendances.
3. There is no evidence that the Deputy Registrar called for and perused Nyando SPMCC no 117 of 2014 to verify the various items in the Bill of costs.
4. The Bill was taxed without the benefit of the principal court file.
5. On my own motion, I hereby set aside the taxation of 12th October 2023 and the subsequent certificate of taxation dated 12th October 2023 and return the Bill of Costs to the Deputy Registrar to retax afresh upon calling for and perusing Nyando SPMCC no 117 of 2014, to inform her decision.
6. Taxation shall be on 4th July 2024 before the Deputy Registrar.
7. The applicant to serve the Respondent with taxation notice.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 3RD DAY OF JUNE, 2024

R. E. ABURILI



JUDGE

