



**Mbugwa Atudo & Macharia Advocates v Kenya Alliance Insurance Co Ltd (Miscellaneous Civil Application E142 of 2022) [2024] KEHC 6459 (KLR) (3 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 6459 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CIVIL APPLICATION E142 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 Winam SPMCC No. 192 of 2016)*

**RULING**

1. I have perused the court file herein. The Advocate/Client Bill of Costs dated 2<sup>nd</sup> August 2022 was taxed exparte on 12<sup>th</sup> October 2023 by the Deputy Registrar.
2. The Bill arose from services rendered in Winam SPMCC No. 192 of 2016. However, there is no evidence that the primary court file wherein the services were rendered was called for and availed before the Deputy Registrar to inform her of the items in the Bill of Costs which include court attendances before taxing the bill.
3. I find the taxation to have been mechanical and unsupported.
4. The Ruling on taxation and certificate of taxation dated 12<sup>th</sup> October 2023 are hereby set aside on the Court's on motion and the bill of costs remitted to the Deputy Registrar to retax after calling for and perusing the lower court file Winam SPMCC No. 192 of 2016.
5. Taxation on 4<sup>th</sup> July 2024.
6. The Applicant to serve the Respondent with Notice of taxation.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 3<sup>RD</sup> DAY OF JUNE, 2024**

**R. E. ABURILI**



**JUDGE**

