



REPUBLIC OF KENYA



**L.N. Momanyi & Co. Advocates v Ochieng (Miscellaneous Civil Application
E301 of 2023) [2024] KEHC 8774 (KLR) (23 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 8774 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
MISCELLANEOUS CIVIL APPLICATION E301 OF 2023
JK NG'ARNG'AR, J
JULY 23, 2024**

BETWEEN

L.N. MOMANYI & CO. ADVOCATES APPLICANT

AND

SCHOLLAH ADHIAMBO OCHIENG RESPONDENT

RULING

1. This is a ruling to the application dated 10/7/24. It seeks that the ruling dated 5/7/2024 taxing the bill of costs dated 18/10/2023 be varied and/or set aside.
2. In the alternative, the prayer is for the bill of costs dated 18/10/2023 be taxed afresh before another taxing officer.
3. It is supported by affidavit of Lucy Momanyi. The same was prosecuted by Dr. Khaminwa (S.C). There is a reply to the application by Mr. Osoro. Dr. Khaminwa raised a preliminary issue that Mr. Osoro was a pupil of Lucy Momanyi hence would not act against her.
4. No evidence was tendered to support this assertion which was denied by Mr. Osoro, advocate.
5. I will therefore not dwell on it. I find no conflict of interest proved or exhibited and note that the application dated 10/7/2024 has been overtaken by events. The Deputy Registrar, Hon. N.R. Akee gave a ruling on the taxation of the bill in issue.
6. I have gone through what transpired and find that all went on well. The ruling is well reasoned. I find that the Deputy Registrar advanced sound reasoning on how she proceeded to tax the bill.
7. I find no reason to interfere with the ruling and the resultant figure on the taxed sum. For the above reason, I do find that the application dated 10/7/2024 is overtaken by events.



8. The upshot of this is that the application is treated as spent and the taxation by the Deputy Registrar confirmed to be proper.

DATED AND DELIVERED VIRTUALLY AT MOMBASA ON THIS 23RD DAY OF JULY, 2024.

J.K. NG'ARNG'AR, HSC

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JUDGE

I certify that this is a true copy of the original

Signed

DEPUTY REGISTRAR

In the presence of: -

Khaminwa & Khaminwa Advocates for the Advocate/Applicant

Oroso & Osoro Advocates for the Client/Respondent

Court Assistant – Samuel Shitemi

Further Order;

30 days stay and Appeal granted.

