



**Jones Nyachiro t/a M/s Nyachiro Nyagaka & Co Advocates v County Government of Nyamira
(Miscellaneous Civil Case E005 of 2022) [2023] KEHC 69 (KLR) (18 January 2023) (Ruling)**

Neutral citation: [2023] KEHC 69 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAMIRA
MISCELLANEOUS CIVIL CASE E005 OF 2022
FA OCHIENG, J
JANUARY 18, 2023**

BETWEEN

**JONES NYACHIRO T/A M/S NYACHIRO NYAGAKA & CO
ADVOCATES APPLICANT**

AND

COUNTY GOVERNMENT OF NYAMIRA RESPONDENT

RULING

1. By an application date April 20, 2022, the applicant, Jones Nyachiro trading as Nyachiro Nyagaka & Co Advocates, invoked the provisions of paragraph 51(2) of the *Advocates Remuneration Order*.
2. The said application is premised upon the certificate of costs dated February 4, 2022, which was issued after the taxing officer had taxed the advocate – client bill of costs in the sum of Kshs 1,346,165.10.
3. Following the delivery of the ruling, the client indicated its dissatisfaction, and asked the taxing officer to give his reasons for the ruling. The letter through which the client sought reasons is dated February 18, 2022.
4. In response to the client’s request, the taxing officer wrote a letter dated March 11, 2022, asking the client to identify the exact items which were being disputed. The taxing officer explained to the client that some of the items on the bill of costs had been taxed in accordance with the recommendations of the client; and that the said recommendations were contained in the written submissions of the client. There is no record of the client’s reply to the taxing officer.
5. As the client had not filed any reference within the period prescribed by law, the advocate filed the current application.
6. In the face of the application, the client filed an application for enlargement of time for the filing of the reference.



7. By a ruling delivered today, this court dismissed the application for enlargement of time.
8. As a consequence, the certificate of costs has neither been varied nor set aside. In the circumstances, and by dint of the provisions of paragraph 51(2) of the *Advocates Remuneration Order*, the advocate is entitled to judgment for the taxed costs. Accordingly, I now enter judgment in favour of the applicant for Kshs 1,346,165.10.
9. The said sum will attract interest at court rates from March 5, 2022. I so order because it is obvious from the client's letter of February 18, 2022, that the client was all along aware of the ruling from when it was delivered on February 4, 2022.
10. After allowing a grace period of 30 days, to the respondent, it is ordered that interest be paid from March 5, 2022.
11. The respondent shall also pay to the applicant, the costs of the application.

DATED, SIGNED AND DELIVERED THIS 18TH DAY OF JANUARY, 2023.

FRED A. OCHIENG

JUDGE

I certify that this is a

true copy of the original

DEPUTY REGISTRAR

