



HMS Advocate LLP v Alena Finance & another (Commercial Miscellaneous Application E1180 of 2020) [2023] KEHC 1566 (KLR) (Commercial and Tax) (16 February 2023) (Ruling)

Neutral citation: [2023] KEHC 1566 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI COMMERCIAL COURTS)
COMMERCIAL AND TAX
COMMERCIAL MISCELLANEOUS APPLICATION E1180 OF 2020
DO CHEPKWONY, J
FEBRUARY 16, 2023**

BETWEEN

HMS ADVOCATE LLP ADVOCATE

AND

ALENA FINANCE 1ST CLIENT

FRANK HAMMERE 2ND CLIENT

RULING

1. The matter is for mention for parties to take directions on the Advocate's Notice of Motion application dated December 8, 2022 neither the Advocate nor their counsel are in attendance. They have also not sent any representative to explain their absence.
2. However, counsel for the Client who is in attendance, M/S Wanjeri has stated that they are not opposed to the application.
3. Notwithstanding the absence of the Advocates and or their counsel, there being no objection to the application, I invoke the provisions of Sections 1A, 1B and 3A of the Civil Procedure Act and Article 159(2)(b) of the Constitution and allow the Notice of Motion application dated December 8, 2022 in the following terms:-
 - a. The Certificate of costs in respect of the Taxation Order made on July 27, 2021 for Kshs 2,283,702.44 be and is hereby adopted as a Judgment and Decree of this court together with interest at 14% per annum from the date of filing the Bill of Taxation till payment in full
 - b. Costs of the application to be awarded to the Advocate/Applicant

It is so ordered.



RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT NAIROBI THIS 16TH DAY OF FEBRUARY, 2023.

D. O. CHEPKWONY

JUDGE

In the presence of:

M/S Wanjeri holding brief for Mr. Kipkorir counsel for Client

No appearance for and by Advocate

