



Odhambo Owiti & Co Advocates v Kenya Orient Insurance Co (Miscellaneous Civil Case E007 of 2021) [2023] KEHC 792 (KLR) (15 February 2023) (Ruling)

Neutral citation: [2023] KEHC 792 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT SIAYA
MISCELLANEOUS CIVIL CASE E007 OF 2021
RE ABURILI, J
FEBRUARY 15, 2023**

BETWEEN

ODHIAMBO OWITI & CO ADVOCATES APPLICANT

AND

KENYA ORIENT INSURANCE CO CLIENT

RULING

1. I have considered the applicant/advocate's application dated January 25, 2023, the grounds, the supporting affidavit and annexures.
2. I have also considered the oral arguments by Ms Winnie Anuro Advocate for the applicant.
3. I observe that the matter relates to advocate/client bill of costs which was taxed *inter partes* vide ruling of December 21, 2021 by Hon M Mwangi, Deputy Registrar and a certificate of taxation issued on the same day.
4. I further observe that there is no objection to taxation filed and that no reference pursuant to paragraph 11 of the [Advocates Remuneration Order](#) was filed before this court to challenge the said taxation.
5. The application herein though served upon the respondents is a mere formality for this court to enter judgment and issue decree thereof for enforcement by the applicant, to recover the taxed costs.
6. The respondent would in essence have nothing useful to challenge at this stage.
7. I am also satisfied that before taxation, thereof, the advocate/client itemized bill of costs was served upon the respondent on July 10, 2020 as per annexure No 3a annexed to the affidavit of Monica Otieno sworn on January 26, 2023. That forms the basis for seeking for an order that the interest of 14% per annum be paid from August 9, 2020.



8. For the above reasons, I am satisfied that the application dated January 25, 2023 by way of notice of motion is merited. It is hereby allowed.
9. I enter judgment for the applicant advocate Ms Odhiambo Owiti & Co Advocates against the client Kenya Orient Insurance Company Limited as per the certificate of taxation issued on December 21, 2021 in the sum of Kshs 245,366/= together with interest thereto at the rate of 14% per annum from August 9, 2020 until payment in full. Decree to issue forthwith.
10. In order not to escalate the issue of costs and to bring this matter to closure, I hereby order that each party shall bear their own costs of this application dated January 25, 2023.
11. I so order that the matter is closed save for execution process to follow.
12. I however direct that before such application for execution is made, the applicant shall first serve copy of this ruling and decree upon the respondent giving them 30 days to settle and only in default should the court issue warrants of attachment or execution of decree by whatever mode the applicate may seek from the court.
13. I so order.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 15TH DAY OF FEBRUARY, 2023

R.E. ABURILI

JUDGE

