



Simiyu t/a BW Mathenge & Co Advocates v Kiloo & 282 others (Miscellaneous Civil Application 148 of 2016) [2023] KEHC 17755 (KLR) (10 May 2023) (Ruling)

Neutral citation: [2023] KEHC 17755 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
MISCELLANEOUS CIVIL APPLICATION 148 OF 2016**

TA ODERA, J

MAY 10, 2023

BETWEEN

**JIMMY AGGREY SIMIYU T/A BW MATHENGE & CO
ADVOCATES PLAINTIFF**

AND

FREDRICK B KILOO & 282 OTHERS RESPONDENT

RULING

1. The applicant filed chamber summons dated June 6, 2022 under certificate of urgency seeking :
 - a.spent.
 - b.spent.
 - c. That the Honourable court be pleased to set aside certificate of costs dated 28.3.19 or the taxing officers' decision.
 - d. That the applicant be given a chance to respond to the Bill of costs dated 28.3.16.
 - e. That leave be granted to the applicant to defend the Bill of costs and the bill be taxed afresh.
 - f. That in the alternative the applicant be granted leave to file reference out of time.
 - g. That this Honourable court be pleased to grant leave for process server who allegedly effected service of the Bill of costs and the applications to be cross-examined on the contents of their affidavit of service (if any).
 - h. That the warrants of arrest issued against applicant be lifted
 - i. That costs of this application be in the cause.



2. I have perused the application herein and the ruling of the Deputy Registrar dated 14.3.23 and I have noted that prayers d, e, g and h can only be considered and granted by the taxing master who received the returns of service, taxed the bill and issued the warrants of arrest. Prayers c & f relating reference are a preserve of the Judge under rule 11 (2) of the advocates' remuneration order.
3. The prayers in the said application are thus jumbled up and ought not to have been made in one application. It seems that the applicant is not sure of what he wants and from which court. I proceed to strike out Application dated June 6, 2022 for being an abuse of the process of the court.

T.A. ODERA - JUDGE

10.5.2023

DELIVERED VIRTUALLY THIS 10TH DAY OF MAY, 2023 VIA TEAMS PLATFORM IN THE PRESENCE OF;

No appearance for the applicant.

Ndolo for the respondent.

Court assistant; Bor

T.A. ODERA - JUDGE

10.5.2023

