



Bruce Odeny & Company Advocates v Mc Tough (Miscellaneous Civil Application E167 of 2021) [2023] KEHC 22559 (KLR) (21 September 2023) (Ruling)

Neutral citation: [2023] KEHC 22559 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CIVIL APPLICATION E167 OF 2021
RE ABURILI, J
SEPTEMBER 21, 2023**

BETWEEN

BRUCE ODENY & COMPANY ADVOCATES APPLICANT

AND

WILLIAM ROMAN MC TOUGH RESPONDENT

RULING

1. The Certificate of Taxation of Advocate/Client Bill of Costs was issued on March 14, 2022. A Reference was filed challenging the taxation and vide a Ruling rendered on February 13, 2023 in a sister file to this file in a series of similar matters between the same parties, being HC Misc 168 of 2021 which ruling applied to this matter, the same was dismissed.
2. The Applicant advocate has now filed an application under Section 51(2) of the *Advocates Act* for adoption of the certificate of costs as the judgment of this court and decree to issue. The application is dated February 16, 2023.
3. Albeit the Respondent's counsel claims that there is an application for consolidation with this matter and Miscellaneous Civil No 168 of 2021, no such application would affect the procedure applicable for recovery of advocate/client taxed costs.
4. Once a decree is drawn in this matter, then the parties can apply to consolidate the various decrees for settlement by whatever mode that they may agree on.
5. I have perused the Replying Affidavit sworn by the Respondent on April 12, 2023. Clearly, there is no Reference pending determination or any issue of retainer raised.
6. I find no merit or ground upon which I can decline to grant the application to adopt the certificate of taxation as judgment of this court and decree to issue.
7. Accordingly, I allow the application dated February 16, 2023 as follows:-



1. The Certificate of Costs dated March 14, 2022 is hereby adopted as judgment of this court. I enter Judgment for the Applicant against the Respondent in the taxed sum of Kshs 79,583.10 together with interest at court rates from date of taxation until payment in full.
 2. Each party to bear their own costs of the application dated February 16, 2023.
 3. This Ruling and order shall apply with necessary modifications to HC Misc Civil No 168 of 2021 as to the amount due on the certificate of taxation.
 4. Decree to issue in both files forthwith.
 5. Mention before Deputy Registrar on October 25, 2023 to confirm settlement of the decrees.
8. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 21ST DAY OF SEPTEMBER, 2023

R. E. ABURILI

JUDGE

