



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MAKUENI

HCCC MISC APPL. NO. 14 OF 2020

IN THE MATTER OF ADVOCATE – CLIENT BILL OF COSTS

BETWEEN

B.M MUNG’ATA & CO. ADVOCATES APPLICANT

-VERSUS-

MARY NDUNGWA MUTHIANI1ST RESPONDENT

BONIFACE MUTUA MUSYOKI.....2ND RESPONDENT

CORNERSTONE HOMES LTD.....3RD RESPONDENT

RULING

1. Before me is a Notice of Motion dated 15th July 2020 brought by B.M Mung’ata & Company advocates under section 3A of the Civil Procedure Act Cap 21 and Order 51 Rule 1 of the Civil Procedure rules.

2. The Applicant seeks the following orders from the court:

1. That judgment be entered to the Applicant against the Respondents and decree be issued to the taxed costs of Kshs.161,615.50.

2. That costs of this application be paid by the Respondents.

3. The application has grounds on the face of the Notice of Motion and is supported by the affidavit of Douglas Muumbi advocate sworn on 15th July 2020.

4. The application is not opposed as all the Respondents did not file a response to the same, nor did they attend court on the hearing date which was 9th December 2020.

5. This is an application for enforcement of the orders of the taxing master with respect to costs. I have seen, perused and considered the certificate of costs issued by Otieno J. Deputy Registrar of the High Court Makueni, which evidences the taxed bill of costs in Makueni High Court Miscellaneous Application No. 102 of 2019 which was taxed on 25th September 2019 at Kshs.161,615.50 all inclusive, and it is quite clear to me that such taxation of costs herein was done.

6. As the application is not opposed, I find no reason to decline the same. I thus allow the application and order as follows:

1. Judgment be and is hereby entered for the Applicant against the Respondents and decree be and is hereby issued for the taxed amount of Kshs.161,615.50.

2. The costs of this application will be paid by the Respondents, jointly and severally.

Delivered, Signed & dated this 3rd day of March, 2021 in open court at Makueni.

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GEORGE. DULU

JUDGE