

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KISUMU

MISC. CIVIL APPLICATION NO. 121 OF 2017

OTIENO, RAGOT & CO. ADVOCATES.....APPLICANT

-VERSUS-

SHARIF AHMED WASUG.....RESPONDENT

RULING

The application before me was made pursuant to **Section 51** of the **Advocates Act**. It is an application seeking to have the Certificate of Costs dated 5th October 2017 adopted as a Judgment.

1. The sum awarded to the Applicant, as reflected on the said Certificate of Costs, is Kshs 332,731.67.
2. Although the Respondent was duly served with the application, he did not file any response to it. In effect, the application was unopposed.
3. The Applicant asked the court to award Interest on the costs, at the rate of 14% per annum, with effect from 5th October 2017.
4. When the court inquired from the Applicant the reason for asking that Interest should accrue from 5th 4. October 2017, Miss Osewe, the learned advocate for the Applicant told the court that it was because that was the date when the Advocate/Applicant had delivered the Certificate of Costs, to the Client/Respondent.
5. In the light of that answer, the Court asked the Applicant to shed light on the date when the Respondent was first made aware of the quantum of the taxed costs.
6. I raised that issue after noting that the Respondent was absent during the process of taxation. In the circumstances, it occurred to me that the Respondent would not have been aware of the taxed costs until the same was brought to his attention.
7. Secondly, I noted that although the Advocate/Client Bill of Costs was taxed on 5th October 2017, it was not until 13th February 2020 that the Applicant sought and was issued with the Certificate of Costs.
8. The Applicant informed the Court that the Respondent was first notified about the taxed costs on 4th March 2020.
9. In the circumstances, I now grant Judgment in favour of the Applicant, for the sum of Kshs 332,731.67, together with interest at 14% per annum from 4th April 2020, until payment in full.
10. The applicable date from when interest accrues is informed by the fact that it is a date that falls upon the expiration of one month from the date the Client/Respondent was first made aware of the taxed costs which he was obliged to settle.
11. Finally, the costs of the application dated 25th February 2020 are awarded to the Applicant.

DATED, SIGNED and DELIVERED at KISUMU This 10th day of November 2020

FRED A. OCHIENG

JUDGE