



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KISUMU

MISCELLANEOUS APPL. NO. 48 OF 2017

IN THE MATTER OF THE ADVOCATES ACT CAP 16 AND

THE ADVOCATES (REMUNERATION) ORDER, 2009

AND

IN THE MATTER OF THE ADVOCATES (REMUNERATION) (AMENDMENT) ORDER, 2014

AND

IN THE MATTER OF THE ADVOCATE-CLIENT BILL OF COSTS

BETWEEN

MUMIAS SUGAR COMPANY LIMITED.....APPLICANT

AND

PROFESSOR TOM OJIENDA & ASSOCIATES.....RESPONDENT

[Being a Reference filed pursuant to the leave of court granted on 20th March, 2018 against

Hon. P.W. Mbulikah's (the taxing officer's) Ruling in Misc Application No. 48 of 2017]

RULING

The learned taxing officer did indicate that the Ruling which was delivered in **Miscellaneous Application No. 33 of 2017** was applicable to this matter as well.

1. In my Ruling on the Reference from that other Application, I held that the learned taxing officer had made several errors of principle.
2. Therefore, I do reiterate the reasoning in that Ruling herein, as if I had set it all out verbatim in this case, save on the issue as to the quantum of the taxed Bill.
3. Accordingly, the Ruling delivered by the learned taxing officer on 11th October 2017 is set aside.
4. Costs of the Reference are awarded to the client.

5. I direct that the Bill of Costs be accorded appropriate action by a taxing officer other than the one who had taxed it originally.

DATED, SIGNED and DELIVERED at KISUMU

This **6th** day of **February** 2019

FRED A. OCHIENG

JUDGE