



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KISUMU

((CORAM: CHERERE-J))

MISC. CIVIL APPLICATION NO 200 OF 2017

BETWEEN

NJUGUNA & PARTNERS ADVOCATES....APPLICANT/ADVOCATE

AND

ERICK OKEYO.....RESPONDENT/CLIENT

JUDGMENT

1. By a notice of motion dated 27.06.18, brought under Section 51 (2) of the Advocates Act Cap 16 Laws of Kenya; the applicant prays for orders: -

a. Judgment be entered for the Applicant against the Respondent for the sum of Kshs. 3,415,656.00 being the net balance of taxed costs due to the Applicant

b. THAT the Respondent pays interest at costs at 14% per annum from date of taxation until payment in full

c. THAT the Respondent pays the costs of this application

2. When the application came up for hearing on 15.05.19, Mr. Omondi advocate for the Respondent submitted that interest ought to run from date of judgment which Mr. Odino advocate for the Applicant conceded.

3. The law relating to interest on taxed costs is to be found under Rule 7 of the Advocates Remuneration Order which provides: -

“An advocate may charge interest at 14% per annum on his disbursements and costs, whether by scale or otherwise, from the expiration of one month from the delivery of his bill to the client, providing such claim for interest is raised before the amount of the bill has been paid or tendered in full.” (Emphasis added)

7. The rate of interest awardable is 14% per annum applicable from 30 days after the date of service of either the Bill of Costs. There is evidence that the Bill of Costs was served on the Respondent on 24th November, 2017 and thirty (30) days from the delivery of the bill to the client expired on 23rd December, 2017.

8. The upshot of this is that the notice of motion dated 27.06.18 succeeds and is allowed in the following terms:

a. Judgment is hereby entered for the advocate against the Respondent for Kshs. 3,415,656.00 (Three million, four hundred fifteen thousand, six hundred fifty-six)

b. Interest shall accrue on the taxed costs at 14% per annum from 23rd December, 2017 until payment in full

c. The Advocate is awarded costs of this application.

DATED AND SIGNED IN KISUMU THIS 16th DAY OF May 2019

T.W. CHERERE

JUDGE

Read in open court in the presence of-

Court Assistant - Felix

For the Applicant /Advocate - N/A

For the Respondent/Client - N/A