



**REPUBLIC OF KENYA**

**IN THE HIGH COURT AT NAKURU**

**MISCL. APPLICATION NO. 329 OF 2018**

IN THE MATTER OF THE ADVOCATES ACT, CAP 16

**AND**

IN THE MATTER OF TAXATION OF COSTS BETWEEN ADVOCATE AND CLIENT

**BETWEEN**

KINYANJUI NJUGUNA & COMPANY ADVOCATES.....APPLICANT

**-VERSUS-**

INVESCO ASSURANCE CO. LTD.....RESPONDENT

**RULING**

Kinyanjui Njuguna & Company Advocates are the Applicants in the **application dated 23<sup>rd</sup> April 2019**.

At all material times the said law firm were instructed and acted for Invesco Assurance Company in numerous court cases.

In 33 such court cases, the said firm filed its Advocate-client Bill of costs which were taxed in its absence after the taxing officer was satisfied of service to the company.

The certificates of Taxation were served upon the Respondent, Invesco Assurance Company Limited on diverse dates.

I have confirmed from the Deputy Registrar of this court, being the taxing officer that indeed she issued the certificates of taxation in the 33 cases listed herewith.

The applicant, by its application which is premised in **Order 50 rule 1 of the CPR and Section 51(2) of the Advocates Act and Paragraph 7 of the Advocates (Remuneration)** order seeks that

1. - Spend
2. *That the Honourable court be pleased to consolidate the 32 applications listed thereto with this application.*
3. *And pursuant to the prayer No. 2 above, the court be pleased to enter judgment for the sum of Kshs.7,058,452/= being the sum total of the certificates of taxation in the 33 matters. It also seeks*

*costs and interest at 14% from 5<sup>th</sup> May 2017 until payment in full.*

I am satisfied that the respondent was served with this application and the hearing notice. An affidavit of service sworn on the 2<sup>nd</sup> May 2019 and filed on the 2<sup>nd</sup> May 2019 shows that the respondent received the Notice of Motion on the 25<sup>th</sup> April 2019 by stamping and signing on the same.

There being no opposition to grant of the said orders, and being satisfied that the application is properly grounded in law, **I allow the application dated the 23<sup>rd</sup> April 2019 in terms of prayers 2, 3 and 4.**

It is so ordered.

**Delivered, Signed and Dated at Nakuru this 18<sup>th</sup> Day of July 2019.**

**J.N. MULWA**

**JUDGE**