

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAROK

MISC. APPLICATION NO. 6 OF 2019

LENSINKO NJOROGE & GATHOGO ADVOCATES.....ADVOCATE/APPLICANT

VERSUS

INVSECO ASSURANCE CO. LTD.....CLIENT/RESPONDENT

RULING

1. Pursuant to the provisions of sections 51 (2) of the Advocates Act (Cap 16) Laws of Kenya and all other enabling provisions of the law, the applicant seeks an order for entry of judgement in its favour against Invesco Assurance Co Ltd for the sum of **Kshs. 3,334,255.40**. Additionally, it seeks an order for the issuance of a decree pursuant to the foregoing judgement.

2. The application is supported by six grounds that are set out on the face of the notice of motion. The major grounds are as follows. The applicant lodged seventeen bills of costs, which were allowed against the client in the sum of **Kshs. 3,334,255.40**. The client has not paid the taxed costs. The client has not filed any reference. Additionally, the client has not filed any appeal against the taxed costs. The issue of retainer has not been challenged. Finally, the applicant has for those reasons prayed for summary judgement against the client.

3. Furthermore, in addition to the foregoing grounds, the applicant through Wilson Gathogo has deponed to a nine paragraphs supporting affidavit in support of the application. In that affidavit the applicant has replicated the grounds that are set out on the face of the notice of motion, except that the applicant has annexed the two certificates of the taxed costs as annexes marked "WG1" and "WG 17."

4. I find the affidavit evidence to be credible. As a result, I hereby enter judgement in favour of the applicant in the sum of **Kshs 3,334,255.40**.

5. There will be no order as to costs.

6. The upshot of the foregoing, is that the application is allowed as prayed for in prayer numbers 1, 2 and 3 of the notice of motion dated **6th February, 2019**.

Ruling signed, dated and delivered at Narok in open court on this 4th day of July 2019 in the presence of Mr. Chege holding brief for Mr. Gathogo for the applicant and in the absence of the respondent.

J. M. Bwonwonga

Judge

4/7/2019