



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

MISCELLANEOUS APPL NO 677 OF 2017

WAIGANJO WACHIRA & CO ADVOCATES.....APPELLANT

VERSUS

PACIS INSURANCE COMPANY LIMITED.....RESPONDENT

RULING

INTRODUCTION

1. The Applicant's Notice of Motion application dated 18th March 2019 and filed on 16th April 2019 was brought pursuant to the provisions of Section 51(2) of the Advocates Act, Chapter 16 Laws of Kenya and paragraph 7 of the Advocates Remuneration Order, Order 51 Rule 1 of the Civil Procedure Rules 2010 and all other enabling provisions of the Law. It sought the following orders:-

1. THAT judgment be entered for the taxed Advocate/Client cost of Kshs 72,045/= contained in the Certificate of Taxation dated 8th March 2019 with interest thereon at the rate of 14% per annum with effect from 13th November 2017 until payment in full.

2. THAT cost of the application be awarded to the Advocate/Applicant.

2. The court gave directions to the parties on the filing of affidavits and Written Submissions on 30th May 2019 and fixed the matter for mention on 22nd July 2019 to confirm compliance and/or for further orders and/or directions.

3. On the said 22nd July 2019, the Applicant's counsel informed the court that it did not file its Written Submissions because it had not been served with a Replying Affidavit by the Respondent. Counsel for the Respondent informed the court that they would not be filing any response or Written Submissions and asked the court to give its Ruling on the said application.

4. This court therefore reserved a Ruling date of the said application.

LEGAL ANALYSIS

5. The Applicant's present application was supported by the Affidavit of James Ichaura Wachira that was sworn on 18th March 2019.

6. It stated that it was instructed by the Respondent to represent it in **Nairobi CMCC NO 4733 of 2015 Jasbinder Pal Singh vs Gichuhi Susan**. The Advocates' Bill of costs dated 13th November 2017 was taxed on 2nd August 2018. A Certificate of Costs in the sum of Ksh 72,045/= was issued on 8th March 2019.

7. Having been satisfied that the said application had been duly served upon the Respondent and there was no response in opposition to the same and having heard from counsel for the Respondent that they would not be filing any response or Written Submissions, this court determined that the said application was unopposed.

DISPOSITION

8. For the foregoing reasons, the upshot of this court's decision was that the Applicant's Notice of Motion application dated 18th March 2019 and filed on 16th April 2019 was merited and the same is hereby allowed as prayed.

9. It is so ordered.

DATED and DELIVERED at NAIROBI this 23rd day of July 2019

J. KAMAU

JUDGE