



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KISUMU

(CORAM: CHERERE-J)

MISC. CIVIL APPLICATION NO 91 OF 2019

BETWEEN

OTIENO, RAGOT & COMPANY ADVOCATES.....APPLICANT/ADVOCATE

AND

BRITAM INSURANCE COMPANY LIMITED.....RESPONDENT/CLIENT

RULING

1. By a Notice of Motion dated 11th July, 2019 and filed on 17th July, 2019, brought under the provisions of Section 51 (2) of the Advocates Act, the Applicant/Advocate seeks the following orders:

1) That the certificate of costs issued herein in respect of taxation order made on 31.05.19 for the sum of Kshs. 142,265.80 (one hundred forty-two thousand, two hundred sixty-five and eighty cents) be adopted as judgment and decree of this Honourable Court together with interest at 14% p.a from 07.12.17until payment in full

2) That costs of this application be borne by the Client/Respondent

2. The Respondent though served neither opposed the application nor sent representation when the matter came up for hearing on 01.10.19.

3. I have considered the Application in the light of the supporting affidavit and annexures thereto. The bill of costs was taxed at Kshs. 142,265.80 and a certificate in respect thereof dated 10th July, 2019 was issued on 12th July, 2019.

4. The bill arose out of **Kisumu CMCC NO. 407 OF 2012 Kennedy Otieno Akacha v Jeconiah Vincent Onyango**. The Respondent has not denied retaining the Advocate to act for its insured defendant and the Advocate/Applicant is therefore entitled to its costs.

5. The Bill of costs was served on the Respondent/Client on 10th June, 2019. I have considered the provisions of Rule 7 of the Advocates Remuneration Order and I find that interest from 10th July, 2019 until payment in full.

6. The upshot of this is that Notice of Motion dated 11th July, 2019 and filed on 17th July, 2019, succeeds and is allowed in the following terms:

a) Judgment is hereby entered for the Advocate/Applicant against the Respondent/Client for Kshs. 142,265.80 (one hundred forty-two thousand, two hundred sixty-five and eighty cents)

b) Interest shall be paid at 14% from 10th July, 2019 till payment in full

c) The Advocate will also have the costs of this application.

DATED, DELIVERED AND SIGNED ON THIS 14TH DAY OF NOVEMBER 2019

T.W. CHERERE

JUDGE

Read in open court in the presence of-

Court Assistant - Amondi/Okodoi

For Applicant/Advocate - Ms. Sijenje hb Ms. Onsongo

For Respondent/Client - N/A