

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

MISCELLANEOUS CIVIL APPLICATION NO. 5 OF 2019

ODHIAMBO OWITI &

COMPANY ADVOCATE.....APPLICANT

VERSUS

DOMINION FARM LTD.....RESPONDENT

JUDGMENT

1. The Notice of Motion dated 2.10.2019 seeks for adoption of the Certificate of costs certifying Advocate/Client costs at **KShs. 987,943.00** on 15.5.2019, by the Deputy Registrar of the Court.
2. The Respondents were served as per the affidavit of service dated 23rd October 2019 but have not appeared to oppose the application
3. The costs arise from the Professional Legal Services rendered by the Advocate/Applicant to the Respondent/Client in **Siaya PMCC No. 84 of 2017-Toyota K Ltd v Dominion Farms Limited.**
4. There is no Reference or objection filed to this Court challenging the Certificate of Taxation of costs. That being the case, and as the period for lodging a Reference has lapsed, I find the application merited.
5. ***I grant the prayers sought and enter judgment for the Applicant/Advocate in terms of the Certificate of Taxation dated 15.5.2019 in the sum of Kshs. 987,943.00 together with interest thereon at 14% p.a. from 15.5.2019 until payment in full. Decree to issue.***
6. To avoid escalation of further costs and to bring this litigation to an end, I order that each party shall bear their own costs of this application dated 2.10.2019.

Dated, Signed and delivered this 6th day of November, 2019.

R.E. ABURILI

JUDGE

In the presence of:

Miss Osewe Advocate for the Applicant Advocate

N/A for the Respondent

CA: Winnie and Modestar