



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAIROBI**

**CIVIL DIVISION**

**HIGH COURT CIVIL MISC. APPL. NO. 115 OF 2016**

**MEREKA & CO. ADVOCATES.....APPLICANT**

**VERSUS**

**INVESCO ASSURANCE CO. LTD.....RESPONDENT**

**RULING**

1. The application dated 17<sup>th</sup> April, 2018 seeks the following orders:

**(1) That the Honourable court be pleased to enter judgment for the amount of Ksh.25,510/= in terms of the Certificate of taxation dated 12<sup>th</sup> February, 2018 together with interests at 14% from the said date.**

**(2) That pursuant to the judgment, a decree be issued for enforcement/execution.**

**(3) That costs of this application be in the cause.**

2. It is stated in the grounds and the affidavit in support of the application that the Applicant's Bill of costs dated 3<sup>rd</sup> December, 2015 was taxed on 16<sup>th</sup> January, 2018 at an all inclusive a sum of Ksh. 25,510/= in favour of the Applicant. That the issue of retainer is not contested and the application herein should be allowed.

3. The application is opposed. It is stated in the replying affidavit that the certificate of taxation was not served on the Respondent. It is further stated that the application is bad in law as the Applicant ought to have filed an enforcement suit.

4. I have considered the application, the reply to the same and the submissions made by the counsels for the respective parties.

5. The retainer is not denied. If the certificate of taxation had not previously been served, the same forms part of the annexures herein and no step has yet been taken in respect of the same.

6. Under Section 51 (2) of the Advocates Act, the Applicant had the liberty to file the application at hand as opposed to filing suit.

7. The application is allowed as prayed.

**Date, signed and delivered at Nairobi this 5<sup>th</sup> day of July, 2018**

**B. THURANIRA JADEN**

**JUDGE**