

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

MISCELLANEOUS APPLICATION NO. 60 OF 2017

MUTEMBEI GICHURU & CO.APPELLANT

VERSUS

ZABLON MATHENGE ITEWA.....RESPONDENT

RULING

A ruling on Advocate/Client bill of costs was rendered on 6th July 2017 by Hon Obara SRM/DR dismissing the bill for reasons it was a replica of a bill that had been taxed in C.C No. 88 of 2009 dated 19.12.2014 and filed in court on 7th January 2015.

The advocate was aggrieved by the said order and filed application for orders to extend time so he could file reference to the High Court. The application was opposed by the grounds of opposition and Replying Affidavit of Zablun Mathenge Itewa sworn on 6.12.2017. The Respondent submitted that delay in filing reference or even application for leave was inordinate.

In consideration that this is a matter which is substantively before the Disiplinary Tribunal the applicant should endeavour to have it concluded before the reference intended to be filed is canvassed so that none of the parties feel prejudiced by concurrent proceedings touching on the same subject matter.

Leave is therefore granted to the applicant to file reference out of time within 14 days.

HON. A.ONG'INJO

JUDGE

RULING DELIVERED, SIGNED AND DATED THIS 18TH DAY OF OCTOBER 2018

IN THE PRESENCE OF:

C/A:

APPLICANT:

RESPONDENT:

HON. A.MABEYA

JUDGE