



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MACHAKOS**

**MISC CIVIL APPLICATION 193 OF 2016**

**IN THE MATTER OF THE ADVOCATES ACT, CAP 16 LAWS OF KENYA**

**AND**

**IN THE MATTER OF TAXATION OF COSTS BETWEEN ADVOCATES & CLIENT**

**BETWEEN**

**MAKUMI, MWANGI, WANGONDU & CO. ADVOCATES.....APPLICANT**

**VERSUS**

**INVESCO ASSURANCE COMPANY LIMITED .....CLIENT**

**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MACHAKOS**

**CIVIL SUIT NO. 88 OF 2013**

***NJAWA SAFARIS .....1<sup>ST</sup> APPELLANT***

***RICHARD KIOKO MUTANGILI .....2<sup>ND</sup> APPELLANT***

**VERSUS**

***FRIDER NDUKU NYAMAI .....1<sup>ST</sup> RESPONDENT***

***MULWA MAVUSYU .....2<sup>ND</sup> RESPONDENT***

**RULING**

1. By a Notice of Motion dated 17/05/2017 the Applicant sought for an order that judgment be entered in favour of the Applicant for the sum of Kshs.243,542.70 as well as the cost of the said Application.
2. The Application is supported by the grounds listed on the face of the Application together with the affidavit of **Beth Mwangi** Sworn on even date.
3. The Applicant's case is that the Applicant had represented the Respondent in **Machakos HCCA No. 88 of 2013** and thereafter the Applicant's costs was duly taxed at Kshs.243,542/70 which sums remain unpaid by the Respondent despite demand notices being made. The Applicant therefore seeks for an order that judgement be entered for the said sums.
4. The Respondent was duly served with the Application but however failed to file a response thereto.
5. The Applicant's Bill of Costs was duly taxed and a ruling thereon was made by the Deputy Registrar dated 23/08/2016 where the same was taxed at Kshs.243,542/70. A certificate of costs was thereafter issued and it is dated 7/11/2016. The Applicant duly forwarded the certificate of costs to the Respondent vide a letter dated 17/11/2016.

6. It is noted that the Respondent upon being served with the certificate of costs has neither lodged a review nor an appeal against the taxed sum. Further, the Respondent has not filed a response to the Applicant's Application despite this court granting it time to do so. Hence the Application remains unopposed and ought to be allowed as prayed.

7. In the result the Applicant's Application dated 17/5/2017 has merit. The same is allowed as prayed.

It is so ordered.

**Dated and delivered at MACHAKOS this 6<sup>th</sup> day of November, 2018.**

**D. K. KEMEI**

**JUDGE**