



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MISCELLANEOUS CIVIL APPLICATION NUMBER 604 OF 2014

CONSOLIDATED WITH MISC. CIVIL APPLICATION NOS. 600, 601, 602 AND 603 OF 2014

KENYARIRI & ASSOCIATES ADVOCATES. ADVOCATE/APPLICANT

VERSUS

NATIONAL BANK OF KENYA LIMITED.CLIENT/RESPONDENT

R U L I N G

The Application before the court is the one dated the 24th September, 2015 brought by way of a Notice of Motion.

The Application is brought under Section 51(2) of the Advocates Act Cap 16 Laws of Kenya, Order 51(1) of the Civil Procedure Rules and Sections 1A, 1B and 3A of the Civil Procedure Act Cap 21 Laws of Kenya.

It is premised on the grounds that: -

On the 29th July, 2015, the Applicant's Bill of Costs for Professional fees was taxed at Ksh.1,040,718/- being the costs between Advocate-Client as per the Certificates of Taxation annexed to the Affidavit and marked COK 1.

The Application herein relates to four different matters being

1. Misc. Application No. 600/2014 - Kshs.146,892.00
2. Misc. Application No. 601/2014 - Kshs.276,795/-
3. Misc. Application No. 602/2014 - Kshs.203,601/-
4. Misc. Application No. 603/2014 - Kshs.146,893/-
5. Misc. Application No. 604/2014 - Kshs.266,537/-.

Making a total of - **Kshs.1,040,718/-**

On the 8th September, 2014, the Applicant herein lodged an Advocate-Client Bill of Costs against the Respondent/Client for professional fees in respect of services rendered.

On 29th July, 2015, the Bill of Costs in all the matters were taxed at a total sum of Ksh.1,040,718/- (as above).

The said Certificates of Taxation are final pursuant to Section 51(2) of the Advocates Act Cap 16 Laws of

Kenya and the Respondent was duly served with the same on the 9th September, 2015.

Despite the taxation and issuance of Certificate of Taxation, the fees remains unpaid and the Respondent has not shown any commitment to pay the same.

The prescribed time for filing a reference has since lapsed and the Applicant urges the court to grant the Application as prayed.

The Application came up for hearing on the 19th November, 2015 in the absence of the Respondent who had been duly served and an Affidavit of Service filed to that effect.

I have carefully considered the Application together with Supporting Affidavit and the submission filed by the learned counsel. The matters herein were consolidated. The Bill of Costs in all the matters were taxed and a Certificate of Taxation issued by the Deputy Registrar and they are annexed to the Affidavit in support of the Application. No reference has been filed by the Respondent to date and in the premises, the taxation is not challenged.

In the premises aforesaid, the Application dated 24th September, 2015 is allowed as prayed with costs to the Applicant.

Dated, signed and delivered at Nairobi this 4th day of February, 2016.

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L. NJUGUNA

JUDGE

In the Presence of

..... for the Applicant.

..... for the Respondent.