REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI COMMERCIAL & ADMIRALTY DIVISION

MISC CASE NO. 87 OF 2015

MAINA & MAINA ADVOCATES :: PLAINTIFF

VERSUS

PROPERTY IN KENYA COMMUNICATIONS LTD :::::::::: DEFENDANT

R U L I N G

1. The **Notice of Motion** application before the court is dated 19th October 2015 and is filed by the Plaintiff seeking that judgement be entered against the Respondent for the sum of Kshs.58,390 only being advocate/clients costs as taxed on 3rd July 2015 together with interests therein at the rate of 14% p.a from 3rd July 2015 until payment in full.

The application also seeks costs of this application.

2. The application is premised on the grounds set out therein and its supported by the affidavit of MAUREEN MAITAL sworn on 19th October 2015. The applicants case is that;

> 1. The Applicant's bill of costs was taxed in the sum of Kenya Shillings Fifty Eight Thousand, Three Hundred and Ninety (58,390) and a certificate of taxation issued to that effect.
>
> 2. The said Certificate of taxation has not been set aside and/or altered whereas the retainer is not disputed.
>
> 3. Since the assessment the Respondent has neglected and/or refused to settle the taxed sum together with interest thereon.
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> 4. It is in the interest of justice that advocates are remunerated for their services.

3. The application is not opposed. It was served upon the respondent through a Registered Post vide DHL offices on 8th January 2016. An affidavit of service was filed in court on 25th January 2016 sworn by Haggai Ochieng Akello, the process server. I have no reason to doubt the service.

4. Having considered the application and the evidence of certificate of taxation attaché to the application, I am satisfied that the application is merited.

5. In the upshot the application is allowed as prayed.

READ, DELIVERED AND DATED, AT NAIROBI THIS 5th DAY OF FEBRUARY 2016.

E. K. O. OGOLA

JUDGE

PRESENT:

M/s Maital for Plaintiff

Non appearance for Defendant

Teresia – Court Clerk