

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MISCELLANEOUS CIVIL APPLICATION NO. 25 OF 2011

FORMERLY MISC. CIVIL APPLICATION NO. 558 OF 2010

CHARLES MBUGUA NJUGUNA T/A

NJUGUNA & PARTNERS ADVOCATESAPPLICANT

V E R S U S

CORNELIUS KIMANIRESPONDENT

RULING

1. The Motion dated 21st February 2013 seeks that judgment be entered in favour of the applicant for a sum of Kshs. 560,318.16 being certified costs. The applicant also asks that the respondent be ordered to pay interest at 14% per annum on the certified costs.
2. The applicant's case is that they prosecuted an application for revocation of a grant in Nairobi **HCSC No. 915 of 1999** on behalf of the respondent. Thereafter the respondent failed to settle his fees, forcing him to tax a bill of costs against the respondent. The bill was taxed at Kshs. 560,318.16 on 24th January 2014, and there is a certificate of costs to that effect.
3. There is a reply to the application by the respondent. The said reply is comprised in his affidavit sworn on 15th April 2013. He accuses the applicant of failing to execute the instructions that he had given him with respect to the revocation application in which case he chose to instruct another advocate. He asserts that he had paid the applicant in full. He further states that he is dissatisfied with the taxation and has instructed a lawyer to file a reference, but the taxing officer is yet to furnish him with the reasons for her decision. He pleads that judgment should be withheld for that reason.
4. To that affidavit, the applicant filed a further affidavit sworn on 23rd April 2013 pointing out that the taxing officer had delivered a ruling on 24th July 2013 which was available to the respondent, and which provides him with ample information which he can use to draft his reference.
5. I have perused rule 11 of the Advocates (Remuneration) Order which deals with objections to a decision on taxation. I have noted that there is nothing there which would bar this court from entering judgment in terms of a certificate of taxed costs.
6. Consequently, I do hereby allow the application dated 21st February 2013 in its entirety.

DATED, SIGNED and DELIVERED at NAIROBI this 2ND DAY OF OCTOBER, 2015.

W MUSYOKA

JUDGE