



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT BUSIA

MISC.APPL NO.28 OF 2010

IN THE MATTER OF BUSIA CMCC NO.232 OF 2006

BETWEEN

BOB OWENGA OKIYA –VRS- GREGORY ODHIAMBO ALUMA & 5 OTHERS

AND

IN THE MATTER OF THE ADVOCATES REMUNERATION (AMENDMENT) ORDER 2006

AND

IN THE MATTER OF THE ADVOCATE-CLIENT BILL OF COSTS

BETWEEN

BETTY MALOBA T/A MALOBA & COMPANY ADVOCATESAPPLICANT

-VERSUS

BOB OWENGA OKIYARESPONDENT

R U L I N G

1. Although styled “A Memorandum of Appeal”, these proceedings are in the nature of an objection to the Decision of the Taxing Officer of 17th January 2014. Rule 11(1) of The Advocates (Remuneration) Order reads,

“11(1) should any party object to the decision of the Taxing Officer he may within fourteen days after the decision give notice in writing to the Taxing Officer of the items of taxation to which he objects.”

I have read the entire file and I do not find that the Notice contemplated by Rule 11 (1) has been issued. These proceedings are therefore premature.

2. Although the Objector is apparently out of time I do hereby, in the interests of justice, give him leave of 14 days from today to issue the said Notice.

3. The matter shall thereafter proceed in the usual manner.

F. TUIYOTT

J U D G E

DATED, DELIVERED AND SIGNED AT BUSIA THIS 12TH DAY OF NOVEMBER 2014.

IN THE PRESENCE OF:

KADENYICOURT CLERK

.....FOR APPLICANT

.....FOR REpondent