



**REPUBLIC OF KENYA**

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

**MISCELLANEOUS APPLICATION 275 OF 2009**

**OTIENO RAGOT & CO. ADVOCATES.....APPLICANTS**

**VERSUS**

**JOSEPH OUMA ATONGA.....RESPONDENTS**

**RULING**

The applicant's application dated 23-8-2011 prays that the certificate of costs dated 3-2-3011 and issued on 24-2-2011 for the sum of Kshs. 277,333.38/= be adopted as the judgment and decree of this court.

This application has been made pursuant to the provisions of section 51 (2) of the Advocates Act Chapter 16 Laws of Kenya.

The affidavit of **David Otieno** sworn on 23-8-2011 shows that the applicant had been retained by the respondent to act on his behalf in case number Kisumu HCCC 86 of 2009. Later the respondent appointed **M/S Ayayo & Co. Advocates** to act on his behalf.

From the said affidavit the facts are crystal clear. The respondent has filed some grounds in objection dated 6-9-2011. The said grounds to say the least are too broad and vague. I do not see any abuse of the court process by the applicant. Neither do I see anything unlawful and unreasonable.

The option available for the respondent is to file a reference pursuant to rule 11 of the Advocate Remuneration Order.

I have not been shown any such reference. In any case the filing of such reference is not a bar for allowing the application. For the foregoing reasons, I shall allow the applicant's application dated 23-8-2011 as prayed with costs.

**Dated, signed and delivered at Kisumu this 13<sup>th</sup> day of July, 2012.**

**H.K. CHEMITEI  
JUDGE**

In the presence of:

.....for the applicant

.....for the respondent

HKC/va