



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI (MILIMANI COMMERCIAL COURTS)**  
**Miscellaneous Case 1156 of 2006**

**WASUNA & CO. ADVOCATES.....PLAINTIFF**

**VERSUS**

**DELPHIS BANK LTD. ....1<sup>ST</sup> DEFENDANT**

**KASSIM BHARADIA .....2<sup>ND</sup> DEFENDANT**

**R U L I N G**

Application dated 25/4/2007 brought under Section 5 1 (2) Advocates Act paragraph 7 Remuneration Order, Cap.16 Laws of Kenya and Section 3 of Civil Procedure Act, Cap. 21. The orders sought are:-

1. *That judgment be entered in the sum of Kshs.1,340,250/=;*
2. *Costs.*

The grounds upon which the application is made are set out and application is supported by affidavit of Francis Wasuna which shows the bill was taxed at Kshs.1,340,250/= and a certificate of taxation was issued. That there is no appeal against the taxation. There is no dispute as to retainer.

I have considered the arguments of counsel and authorities cited. I am of the opinion that there is no reason why the applicant should be called to file a plaint to make claim which is certified and not disputed. I allow the application and enter judgment for applicant as taxed in the sum of Kshs.1,430,250/= with interest and costs.

Orders accordingly.

DATED, SIGNED and DELIVERED at Nairobi this 6<sup>th</sup> day of October 2009.

**JOYCE N. KHAMINWA**

**JUDGE**