

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT GARSEN

HIGH COURT MISC CASE NO.E004 OF 2025

OREGO & ODHIAMBO ADVOCATES..... PLAITIFF

VERSUS

COUNTY GOVERNMENT OF TANA RIVER.....

.....DEFENDANT

RULING

1. The Applicant has filed a Notice of Motion application dated 24th January 2025 seeking for orders that:
 - 1) THAT this Honorable Court be and is hereby pleased to enter judgment against the Respondent in the sum of Kenya Shillings Thirty-one Million Five Hundred and Thirty-four Thousand Two Hundred and Eighty and Sixty cents (Kshs. 31,534,280.60) as costs payable to the Advocate/Applicant for legal services rendered.
 - 2) THAT this Honorable Court be and is hereby pleased to adopt the certificate of Taxation dated 21st June 2023 together with the Ruling thereto dated the same and consequently allow the Applicant to extract a Decree for execution against the Respondent.
 - 3) THAT this Honorable Court be pleased and is hereby pleased to award interest on the aforementioned amount

at court rates from the date of the Certificate of Taxation until payment in full.

4) THAT the costs of this application be awarded to the Applicant.

2. The application is based on grounds stated on the face of the application and supported by the affidavit of Ms.Olendo Cecilia, an Advocate in the firm of the Applicant firm of Advocates. The grounds in support of the application are that the Applicant represented the Respondent in Malindi Petition No.4 of 2020. The Local Empowerment for Good Governance Commission for Revenue Allocation & others. That upon completion of the matter, the Applicant filed the Advocate-client Bill of costs that was subsequently taxed by the Court at Ksh.31, 163,400/= Vide a ruling delivered on 26th April 2023. The Applicant then obtained a certificate of Taxation dated 21st June 2023.
3. The Applicant contends that the application has been served on the Respondent who has failed to make an appearance. They relied on the affidavit of service by a process server sworn on 29th September 2025 indicating that the respondent was served with a mention Notice dated 29th October 2025 that stated that the matter was fixed for hearing on 2nd October 2025 when the respondent did not make appearance despite service. Therefore that the application is not opposed. The Applicant urged the court to grant the orders sought.

4. I have considered the application and perused the affidavit of service by one Patrick Otieno sworn on 29th September 2025 indicating that he served the Respondent with the mention Notice dated 29th September 2025. I find that the Respondent was served with the application and failed to appear. The application is thus unopposed.
5. In view of the foregoing, I do hereby enter judgment for the Applicant as prayed in the Notice of Motion dated 24th January 2025.

Delivered, dated and signed at GARSEN this 20th November 2025.

J. N. NJAGI

JUDGE

In the presence of:

Mr. Ngigi for Applicant

N/a for Respondent

Court Assistant – Ms. Rahma