



Anyumba & Associates Advocates v Sagwa (Environment and Land Miscellaneous Application E004 of 2022) [2024] KEELC 4943 (KLR) (13 June 2024) (Ruling)

Neutral citation: [2024] KEELC 4943 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT VIHIGA
ENVIRONMENT AND LAND MISCELLANEOUS APPLICATION E004 OF 2022**

E ASATI, J

JUNE 13, 2024

BETWEEN

ANYUMBA & ASSOCIATES ADVOCATES APPLICANT

AND

JOSEPH SAGWA RESPONDENT

RULING

1. This ruling is in respect of the Notice of Motion application dated 20th June 2022 brought pursuant to the provisions of Rule 13(1), (2) and (3) of the [Advocates Remuneration Order](#) and Order 51 Rule 1 of the [Civil Procedure Rules 2010](#). Prayer 1 of the application was handled by the Deputy Registrar who vide the Ruling delivered on 21/02/2024 taxed the applicant's Bill of Costs dated 16/6/2022 at Ksh 156,375/=. What is before this court for determination is prayer 2 of the application. Prayer 2 seeks for an order that Judgment be entered in terms of certificate of costs and decree be issued in favour of the applicant. The applicant also prays for costs. The grounds of the application are that the applicant represented the Respondent in Hamisi PM ELC Case No. 14 of 2021. That the Respondent later instructed the applicant to cease acting in the matter and that the parties have not been able to agree on the Advocate's fees. That the Respondent has been given ample notice to no avail.
2. The application was opposed vide the Replying Affidavit sworn by the Respondent on 20th February 2023. The Respondent's case is that the applicant represented him upto the stage of hearing of the case at Hamisi and that to-date the case has not been heard and finalized. That it was improper for the applicant to claim fees which he had not earned. The Respondent prayed that the application be dismissed.
3. Written submissions dated 3rd July 2023 were filed in respect of the application.
4. Section 51(2) of the [Advocates Act](#) empowers the court to make an order that judgement be entered for the sum certified to be due with costs.



5. The taxation having taken place and the same having not been challenged, I hereby find that the application is merited. I hereby direct the Deputy Registrar to draw certificate of taxation /costs for the taxed amount of Kenya shillings one hundred fifty six thousand, three hundred and seventy five only (Kshs 156,375/=) and hereby enter judgment in terms thereof in favour of the applicant. No order as to costs.

Orders accordingly.

RULING, DATED AND SIGNED AT VIHIGA, READ VIRTUALLY THIS 13TH JUNE, 2024 THROUGH MICROSOFT TEAMS ONLINE APPLICATION.

E. ASATI,

JUDGE.

In the presence of:

Ajevi- Court Assistant.

Luvayi for the Applicant.

Malanda h/b for Anyumba for the Respondent.

