



Bruce Odeny and Company Advocates v Odera (Miscellaneous Application E010 of 2022) [2024] KEELC 5596 (KLR) (24 July 2024) (Ruling)

Neutral citation: [2024] KEELC 5596 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY
MISCELLANEOUS APPLICATION E010 OF 2022
GMA ONGONDO, J
JULY 24, 2024**

BETWEEN

BRUCE ODENY AND COMPANY ADVOCATES APPLICANT

AND

ELIJAH OWITI ODERA RESPONDENT

RULING

1. By a Notice of Motion application dated 7th May 2024, the applicant is seeking the following orders;
 - a. This Honourable Court be pleased to convert the certificate of taxation issued on the 30th April, 2024 into a decree and judgment together with interests from the date of taxation at courts rates until payment in full.
 - b. The costs of this application be provided for.
2. The foundation of the application is the supporting affidavit of seven paragraphs sworn on even date by Agnes Akinyi an advocate of the High Court of Kenya practicing in the firm of the applicant. Also, the same is based on the grounds *infra*;
 - a) The applicant files its advocate-client bill of costs dated 20th July 2022 for taxation and determination of its fees.
 - b) The bill was taxed by the taxing master of this court on the 22nd January 2024 and allowed in the sum of Kshs. 150,000/-
 - c) A certificate of costs was issued to that effect on the 30th April 2024.
 - d) The certificate of costs has not been challenged or set aside.



3. Ms. Omondi instructed by Mr. Odeny learned counsel for the applicant referred to the affidavit of service sworn on 15th May 2024 to the effect that the respondent was duly served with the application. So, she implored the court to grant the orders sought in the application.
4. Clearly, the application was duly served on the respondent who opted not to respond to the same; see also *Ogada v Mollin* (2009) KLR 620.
5. Thus, the application is merited and the same is hereby allowed in terms of prayer No. 1 as stated in paragraph 1 (a) hereinabove with no orders as to costs.

Orders accordingly.

DATED AND DELIVERED AT HOMA BAY THIS 24TH DAY OF JULY 2024.

G. M. A ONG'ONDO

JUDGE

Present;

1. Ms Omondi learned counsel for the applicant
2. Mr T. Luanga court assistant

