



Mucheru Law LLP Advocates v Cementers Limited (Miscellaneous Application E290 of 2023) [2024] KEELRC 2417 (KLR) (4 October 2024) (Ruling)

Neutral citation: [2024] KEELRC 2417 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
MISCELLANEOUS APPLICATION E290 OF 2023**

J RIKA, J

OCTOBER 4, 2024

BETWEEN

MUCHERU LAW LLP ADVOCATES ADVOCATE

AND

CEMENTERS LIMITED CLIENT

RULING

1. The Miscellaneous Application herein, was dismissed by the Court on 8th February 2024.
2. Dismissal was on account of non-attendance by the Parties.
3. It was confirmed by the Court Assistant, Emmanuel Kiprono, that the Advocate, Mucheru LLP, scheduled the Application for hearing.
4. Subsequently, the Advocate made an Application for reinstatement of the Miscellaneous Application, dated 15th February 2024.
5. The Application is founded on the Affidavit of Advocate Scott Sala, sworn on 15th February 2024.
6. She explains that the Advocate did not receive any notice from the Court, for hearing of the Application. The Advocate sought taxation of his costs, arising from Milimani Chief Magistrate's Court C.M.C.C No. 6363 of 2013. He is desirous of prosecuting the Application, and the Respondent will not be prejudiced in any way.
7. Parties agreed to have the Application considered on the strength of their Submissions, which they confirmed to have filed and exchanged at the last mention, on 30th July 2024.



The Court Finds: -

8. The Court confirmed from the Court Assistant, that the date for hearing, on 8th February 2024, was scheduled by the Advocate.
9. There was no attendance by either Party.
10. The Bill of Costs sought to be taxed, related to a Claim filed, prosecuted and defended at the Chief Magistrate's Court.
11. An order for taxation of costs, should be pursued at the Court in which an Advocate has been employed to prosecute or defend a matter, under Section 52 of the *Advocates Act*, Cap 16 the Laws of Kenya.
12. The Advocate was not employed, and did not prosecute or defend any matter, at the E&LRC.
13. There was no reason to file his Bill of Costs, and seek an order of taxation, from the E&LRC.
14. There is no basis for reinstatement of the Miscellaneous Application.

It is ordered: -

- a. The Application filed by the Advocate dated 15th February 2024 is declined.
- b. This file is closed.

DATED, SIGNED AND RELEASED TO THE PARTIES ELECTRONICALLY, AT NAIROBI, UNDER PRACTICE DIRECTION 6[2] OF THE ELECTRONIC CASE MANAGEMENT PRACTICE DIRECTIONS, 2020, THIS 4TH DAY OF OCTOBER 2024.

James Rika

Judge

