



**REPUBLIC OF KENYA**

**IN THE EMPLOYMENT AND LABOUR RELATIONS COURT**

**AT KISUMU**

**MISC CIVIL CAUSE NO. 43 OF 2020**

**ODHIAMBO OWITI & CO ADVOCATES.....ADVOCATE/APPLICANT**

**VERSUS**

**EQUATOR BOTTLERS LIMITED.....RESPONDENT**

**(Arising from professional services rendered by the advocate/applicant**

**for the client/Respondent in Original Kisumu ELRC No. 49 of 2017)**

**BETWEEN**

**COLLINS ADEDE LUGALIA.....CLAIMANT**

**VERSUS**

**EQUATOR BOTTLERS LIMITED.....RESPONDENT**

**RULING**

1. On 22 September 2020, the Taxing Officer taxed an advocate/client Bill of Costs by the applicant law firm in the sum of Kshs 210,885/30, and she issued a Certificate of Costs on 1 October 2020.
2. The Respondent did not settle the bill, and on 10 March 2021, the applicant filed a Motion with the Court seeking an order adopting the Certificate of Costs as a judgment of the Court.
3. The applicant also sought interest on the costs from 26 November 2019.
4. Despite service, the Respondent did not file any response to the Motion.
5. The Court gave the parties an opportunity to settle the issue of costs, but no agreement was reached.
6. The Court has considered the Motion and supporting affidavit and grants the following orders:
  - (a) The Certificate of Costs issued on 1 October 2020 is adopted as a judgment of the Court.
  - (b) The taxed costs to attract interest at court rates from 26 November 2019.

**Delivered through Microsoft teams, dated and signed in Kisumu on this 24<sup>th</sup> day of November 2021.**

**Radido Stephen, MCI Arb**

**Judge**

**Appearances**

For applicant Owiti, Otieno & Ragot Advocates

For Respondent Kiragu Wathuta & Co. Advocates

Court Assistant Chrispo ura