



REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT KISUMU
MISC APPLICATION NO. 40 OF 2020
IN THE MATTER OF
ADVOCATE REMUNERATION ORDER
AMONDI & CO ADVOCATES ADVOCATE/APPLICANT

v

COUNTY GOVERNMENT OF KISUMU CLIENT/RESPONDENT
ARISING FROM EMPLOYMENT AND LABOUR RELATIONS COURT CAUSE NO. 410 OF 2017

ERIC OTENO ORICHO 1st CLAIMANT
ERIC AWUONDA ODIDA2nd CLAIMANT
TITUS ODHIAMBO.....3rd CLAIMANT
GEORGE OCHIENG ANANGA..... 4th CLAIMANT
DAN KIDHA KIDHA5th CLAIMANT
PHILIP ODUOR.....6th CLAIMANT
GEORGE ODHIAMBO KABONGAH..... 7th CLAIMANT

v

COUNTY PUBLIC SERVICE BOARD..... 1st RESPONDENT
ACTING COUNTY SECRETARY..... 2nd RESPONDENT
DR C OLANGO ONUDI3rd RESPONDENT
THE GOVERNOR, KISUMU
H.E. PROF PETER ANYANG NYONGO..... 4th RESPONDENT

RULING

1. The County Public Service Board, Kisumu and the County Government of Kisumu retained the firm of Amondi & Co. Advocates (the advocate) to represent them in Kisumu Cause No. 410 of 2017, *Eric Otieno Odhiambo & Ors v County Public Service Board, Kisumu & Ors*.
2. In a Ruling delivered on 14 January 2019, the Court found for the Claimants and directed that they have costs.

3. The advocate then filed an advocate/client bill of costs which was taxed at Kshs 862,992/50 and a Certificate of Costs issued on 6 May 2021.
4. On 14 June 2021, the advocate filed a Motion seeking an order that the Certificate of Costs be adopted as a judgment/decree of the Court, together with interest from 18 August 2020.
5. On the same day, the advocate filed submissions in support of the Motion (Respondents purportedly filed Grounds of Opposition to the Motion on 8 June 2021).
6. In his submissions, the advocate stated that the bill of costs was served upon the Respondents on 31 August 2020 and that interest was sought therein at 14% p.a.
7. Pursuant to directions given on 17 June 2021, the Respondents filed their submissions on 6 July 2021, in which it was urged that by dint of section 26 of the Civil Procedure Act and since a decree had not been extracted, the question of interest was premature or was not payable.
8. The Respondent further asserted that it was not clear when the advocate submitted to them the bill of costs to enable the Court to ascertain when interest would start to accrue.
9. The Court has considered all the material placed before it.
10. The supporting affidavit to the initial Motion filed in Court on 18 August 2020 did not disclose when the advocate furnished the Respondents with the bill of costs. It appears that the bill of costs was only served upon the Respondents after it had been filed in Court.
11. In terms of Rule 7 of the Advocates Remuneration Order, the advocate would not be entitled to interest on the taxed costs for failure to demonstrate a condition precedent to the award of interest and the Court so finds.
12. Consequently, the Court will only allow the Motion to the following extent:
 - (a) The Certificate of Costs in respect of the taxation order made on 17th February 2021 for the sum of Kenya Shillings Eight hundred and sixty-two thousand nine hundred and ninety-two and fifty cents only (862,992/50) is hereby adopted as the judgment of the Honourable Court.
13. Costs of the Motion to the advocate.

DELIVERED THROUGH MICROSOFT TEAMS, DATED AND SIGNED IN KISUMU ON THIS 15TH DAY OF DECEMBER 2021.

RADIDO STEPHEN, MCIARB

JUDGE

Appearances

For applicant	Amondi & Co. Advocates
For Respondent	Omondi, Abande & Co Advocates
Court Assistant	Chrispo Aura