



REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
MISC. APPLICATION NO. 153 OF 2017
IN THE MATTER OF THE ADVOCATES ACT CAP 16 OF THE LAWS OF KENYA
HENRY ATHIMBU KURAUKA ADVOCATE/APPLICANT

v

CELESTINE MWENDA MUNENE RESPONDENT

AND

ELRC CAUSE NO. 2365 OF 2012 (NAIROBI)

KURAUKA & CO. ADVOCATES ADVOCATE/APPLICANT

v

CELESTINE MWENDA MUNENE CLIENT/RESPONDENT

RULING

1. Through a motion filed in Court on 31 October 2017, Kurauka & Co. Advocates seeks orders
 - a) **THAT** this Honourable Court be pleased to enter judgment in favour of the Applicant herein for a sum of **Kenya Shillings Two Hundred and Forty Thousand, Five Hundred and Twenty Shillings (Kshs. 240,520/=)** only.
 - b) **THAT** this Honourable Court be pleased to order that the said sum of **Kenya Shillings Two Hundred and Forty Thousand, Five Hundred and Twenty Shillings (Kshs. 240,520/=)** above do attract interest at 14% per annum from the date of taxation until payment in full.
2. Despite being served with the application, the Respondent did not file any response. The Court however allowed her to make oral arguments.
3. The applicant firm acted for the Respondent and later on it filed an advocate/client bill of costs which was taxed on 28 September 2016 at Kshs 240,520/-.
4. According to the applicant, the Respondent has failed to pay the costs as taxed. It now seeks an order compelling payment.
5. The Respondent did not deny that she owed the applicant the taxed costs.

6. Her grouse was that the applicant approached the Court using an improper route.
7. Instead of a Motion, she contended that the applicant ought to have moved the Court through a Plaint or Statement of Claim.
8. The Respondent did not draw the attention of the Court to any statutory or legal provision for the submission. She did not cite any case law on the subject of approaching the Court.
9. The Respondent further asserted that interest should be at Court rates and not 14%.
10. The Respondent was fully aware of the applicant's case against her and did not present any plausible reason why she had failed to pay for the work done or why the Court should not allow the application.
11. She did not dispute that she retained the applicant. She equally did not dispute that the applicant presented an advocate/client bill of costs for taxation and that the bill was taxed and a certificate issued by the Taxing Officer.
12. The application is allowed save that interest will be at 12% from date of taxation.
13. Applicant to have costs of the application.

Delivered, dated and signed in Nairobi on this 9th day of March 2018.

Radido Stephen

Judge

Appearances

For Applicant Mr. Kurauka instructed by Kurauka & Co. Advocates

For Respondent Mr. Ogwe instructed by T.T. Nganga & Associates Advocates

Court Assistant Lindsey