



**Kanai t/a A Thuo Kanai Advocates v Talwar (Miscellaneous Application
8 of 2018) [2024] KEELC 13209 (KLR) (14 November 2024) (Judgment)**

Neutral citation: [2024] KEELC 13209 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
MISCELLANEOUS APPLICATION 8 OF 2018**

JA MOGENI, J

NOVEMBER 14, 2024

BETWEEN

ANTHONY THUO KANAI T/A A THUO KANAI ADVOCATES ... APPLICANT

AND

VISHISHT TALWAR RESPONDENT

JUDGMENT

1. A.Thuo Kanai & Company Advocates are the Applicants in the application dated 3/08/2022. At all material times the said law firm were instructed and acted for Vishisht Talwar the Respondent/Client herein in the preparation of the Agreement for Sale where he was purchasing LR No. 152 situate in Limuru which services the applicant rendered and which gave rise to the Bill of Costs filed in this matter.
2. The said firm filed its Advocate-client Bill of costs which was taxed in the Respondent's absence after the taxing officer was satisfied of service to the Respondent.
3. The certificate of Taxation was served upon the Respondent's Advocates, Zed Achoki & Company Advocates on diverse dates.
4. I have confirmed from the Deputy Registrar's Ruling in issuing the Certificate of Taxation that the Respondent had filed their submissions in response to the applicant's submissions and having heard and considered the submissions the Deputy Registrar Hon Isabella Barasa arrived at the applicant's advocate-client Bill of costs dated 24/01/2018 taxed at Kshs. 357.357.76. through her ruling delivered on 15/03/2021.
5. The ruling has not been appealed against nor set aside and it is the subject of the applicant's application before this court seeking the court to adopt the Certificate as a judgment of this Honorable Court.



6. The applicant, by its application which is premised on Section 51 (2) of the *Advocates Act*, Rule 7 of the *Advocates (Remuneration Order, 2009)* Order 51 Rule 1 of the *CPR* and all other enabling provisions of the law seeks
 1. That this Honorable Court be pleased to enter judgment for the sum of Kshs 357,357.76 in costs as Certified by the Deputy Registrar on the 15th March 2021
 2. That this Honorable Court be pleased to award interest on the said sum of Kshs 357,357.76 at the rate of 14% per annum from 15th February 2018 being one month after service of the fee note on the Respondent/Client specifying that interest will be charged on costs until payment of costs, pursuant to Rule 7 of the *Advocates (Remuneration) Order, 2009*.
 3. That the costs of this application be provided for.
7. I am satisfied that the respondent's advocate was served with this application and the hearing notice. An affidavit of service dated 22/07/2024 was filed and it shows that the respondent's advocate received the same via email. The amendment introduced by Order 5 Rule 22B allows service by email thus the affidavit of service is considered proof enough that service was effected, even if the person being served declines to acknowledge receipt. Rule 22B allows service by e-mail to the Defendant's last confirmed and used email address.
8. In the instant case this is the last known address for the Counsel of the Respondent.
9. There being no opposition, and the court being satisfied that the application is properly grounded in law, I enter judgment for the Applicant against the Respondent in terms of the certificate of taxation in the sum of Kshs. 357,357.76/= plus interest at 14% per annum from the date of the judgement until payment in full.
10. I decline to award costs of this application since it is unopposed.

It is so ordered

DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI THIS 14TH DAY OF NOVEMBER, 2024.

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**MOGENI J
JUDGE**

In the virtual presence of:

Mr. Thuo for the Applicant

No appearance for the Respondent

Ms. Caroline Sagina - Court Assistant.

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**MOGENI J
JUDGE**

