



Cecil Wilson Kouko t/a Cecil Kouko & Associates Advocates v Okello (Miscellaneous Application E149 of 2023) [2025] KEHC 423 (KLR) (23 January 2025) (Ruling)

Neutral citation: [2025] KEHC 423 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS APPLICATION E149 OF 2023**

**JM OMIDO, J
JANUARY 23, 2025**

BETWEEN

**CECIL WILSON KOUKO T/A CECIL KOUKO & ASSOCIATES
ADVOCATES APPLICANT**

AND

PHILIP OMONDI OKELLO RESPONDENT

RULING

1. This ruling results from the Advocate/Applicant's Notice of Motion dated 11th October, 2024, brought Section 51(2) of the *Advocates Act*, Cap 16 Laws of Kenya and seeks the following orders:
 - a. That this Honourable Court be pleased to adopt the Certificate of Costs issued herein in relation to the Applicant's Bill of Costs dated 4th September, 2023, in the sum of Ksh.129,809/- as the judgement and decree of this Honourable Court together with interest thereon at 14% per annum from 18th September, 2024 until payment in full.
 - b. That the costs of the application and the taxation process herein be borne by the Client/ Respondent.
2. The grounds upon which the application is premised are in precis that the Respondent instructed the Appellant to act for him in Kisumu Children Case No. E090 of 2021 and that the Applicant professionally executed the Respondents instructions. The Respondent subsequently failed to settle the Applicant's legal fees which then resulted in the Applicant filing its bill of costs that was subsequently taxed by the Taxing Master at Ksh.129,809/- and a Certificate of Taxation of Costs issued to that effect on 18th September, 2024. The costs remain unsettled.
3. The application is supported by the affidavit of Cecil Ouko, Advocate, the proprietor of the Applicant law firm sworn on 11th October, 2024. The affidavit, to which is annexed inter alia the Certificate of Taxation of Costs, expounds on the above grounds.



4. Service of the application and the hearing notice thereof was effected upon the Respondent to the satisfaction of this court. The Respondent did not respond to the Motion and the application thus proceeded as unopposed.
5. Having perused the application, the affidavit in support thereof and the record in its entirety, I am satisfied that the Applicant has demonstrated that it was instructed by and represented the Respondent in the above matter and that the Applicant's costs as determined by the Taxing Master remain unsettled.
6. Having said as much, the application has merit and I will proceed to allow it in the following terms:
 - a. That judgement is hereby entered in favour of the Applicant against the Respondent for the sum of Ksh.129,809/- as per the Certificate of Taxation of Costs issued herein dated 18th September, 2024.
 - b. That the above sum of Ksh.129,809/- shall attract interest at the rate of 14% per annum from 18th September, 2024 until payment in full.
 - c. That as the Notice of Motion dated 11th October, 2024 was not opposed, I make no orders as to costs in respect thereof.

DELIVERED (VIRTUALLY), DATED AND SIGNED THIS 23RD DAY OF JANUARY, 2025.

JOE M. OMIDO

JUDGE

For the Applicant: Ms. Kilonzo for Mr. Kouko.

For the Repondent: No appearance.

Court Assistant: Mr. Ngoge & Mr. Juma.

