



**Nyauke t/a Aluoch Odera and Nyauke Advocates v Homabay County Government (Miscellaneous Application E017 of 2022) [2023] KEELC 15805 (KLR) (22 February 2023) (Ruling)**

Neutral citation: [2023] KEELC 15805 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT HOMA BAY  
MISCELLANEOUS APPLICATION E017 OF 2022  
GMA ONGONDO, J  
FEBRUARY 22, 2023**

**BETWEEN**

**SAMWEL OWINO NYAUKE T/A ALUOCH ODERA AND NYAUKE  
ADVOCATES ..... APPLICANT**

**AND**

**HOMABAY COUNTY GOVERNMENT ..... RESPONDENT**

**RULING**

1. This Ruling is in regard to an application by a notice of motion dated November 1, 2022 and filed in court on December 2, 2022 where the applicant through Aluoch Odera and Nyauke Advocates is seeking the orders as follows:
  - a. That an order do issue to the Respondent/Client to settle the Advocate's fees from the legal representation accorded to the Respondent in Elc Misc Case No Eoo3 Of 2020: Homabay County Government Versus Dr Okello John Robert Liech And Bom Of Rangwena Primary School.
  - b. That upon prayer one above being granted, the bill annexed hereto be taxed and subsequently be deemed to be decree of the Court.
  - c. That the costs of this application be provided for.
2. The application is anchored on an affidavit of seven paragraphs sworn on even dates by Samuel O Nyauke, learned counsel for the applicant and grounds which include;
  - a. That the applicant/Advocate took conduct of the matter and represented the Respondent until the matter was dispensed with.
  - b. That on October 25, 2022 the Applicant/Advocate drew Advocate Client Bill of Costs which was duly served upon the Respondent/Client on the October 26, 2022 but the Respondent/



Applicant has failed and/or neglected to remunerate the Advocate/Applicant for the legal services rendered to it.

3. Mr Nyauke learned counsel for the applicant prays that the application be allowed as the Respondents were served as per affidavit of service sworn on February 21, 2023 by learned Counsel Odera Aluoch herein.
4. By the affidavit, the respondents were made aware of this application. They had an option to respond to it or not as noted in *Ogada versus Mollin* (2009) KLR 620.
5. Indeed, the respondents didn't reply to the application which is unopposed and meritorious.
6. Accordingly, the application is allowed in terms of orders sought therein and as stated in paragraph 1(a), (b) and (c) hereinabove.
7. The respondents to bear costs of this application.
8. It is so ordered.

**DELIVERED AND DATED AT HOMABAY THIS 22<sup>ND</sup> FEBRUARY 2023.**

**G.M.A ONG'ONDO**

**JUDGE**

PRESENT

Mr. Nyauke, learned counsel for the applicant.

