



Bruce Odeny & Company Advocates v Pride Kings Security Service (Miscellaneous Civil Application E101 of 2023) [2024] KEHC 503 (KLR) (31 January 2024) (Ruling)

Neutral citation: [2024] KEHC 503 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CIVIL APPLICATION E101 OF 2023
RE ABURILI, J
JANUARY 31, 2024**

BETWEEN

BRUCE ODENY & COMPANY ADVOCATES APPLICANT

AND

PRIDE KINGS SECURITY SERVICE RESPONDENT

RULING

1. This matter and 8 others in a series are due for hearing today. There are two sets of applications in each of the 9 files. The first application is for adoption of the certificate of taxation as judgment of the court and decree to issue, whereas the second application is by the client seeking to review, vary and or set aside the taxation of the bills of costs dated July 27, 2023 on account that the client already settled the advocate's legal fees.
2. The two applications were to be heard today but both parties are not ready as they seek leave of court to file further affidavits in response to the adverse parties' Replying affidavits.
3. In as much as the court was ready to proceed and hear the parties, as each one of them have only served the other with fresh material which necessitate rejoinders, I find that justice will best be served if each one of the parties are given the opportunity to fully place before the court all the material that they wish the court to consider, so that the issues involved are thrashed out.
4. For the above reasons, and on application by both counsel for the respective parties, I hereby make the following orders:
 1. That the Advocate/Applicant has leave of court to file and serve further affidavits in response to the client's Replying affidavits as filed in the 9 matters in the series, which further affidavits shall be filed and served within seven (7) days of today.



2. Upon such further affidavit being filed, the client shall have 7 days to file and serve supplementary affidavits if need be.
3. The client shall have 7 days of today to file and serve further affidavits to the advocate's replying affidavits. Upon such compliance, the advocate shall have 7 days to file and serve a supplementary affidavit if need be.
4. The two sets of applications though now taking longer than expected, are not as sophisticated as the parties wish the court to believe and therefore they shall be heard orally before this court. This shall be the main file.
5. This order shall apply to all the series files Nos. HCC Misc. E113, E116, E131, E137, E140, E104, E101, E115 and E103 all of 2023 between the same parties.
6. Hearing orally shall now be on 19th March 2024.
7. As both parties have caused the adjournment of the applications by filing documents last minute, each party shall pay court adjournment fees of Kshs.2,000 on each series files before the next hearing date.

5. I so order.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 31ST DAY OF JANUARY, 2024

R. E. ABURILI

JUDGE

