



Kemboy Law Advocates v Narok County Government (Miscellaneous Civil Application E151 of 2023) [2024] KEHC 6008 (KLR) (27 May 2024) (Ruling)

Neutral citation: [2024] KEHC 6008 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CIVIL APPLICATION E151 OF 2023**

RE ABURILI, J

MAY 27, 2024

BETWEEN

KEMBOY LAW ADVOCATES APPLICANT

AND

NAROK COUNTY GOVERNMENT RESPONDENT

(Being an application for an injunction pending the hearing and determination of Civil Appeal No. 72 of 2020 from the Judgment and Decree of the High Court of Kenya at Kisumu by the Hon. Justice F. A. Ochieng dated 15th April 2020 in High Court Constitutional Petition No. 6 of 2018)

RULING

1. The Deputy Registrar taxed the Advocate/Client Bill of Costs dated 31st August 2023 on 14th November 2023 *ex parte*.
2. However, there is no evidence that she called for the principal file being Court of Appeal No 72 of 2020 wherein the advocate rendered the services, and appraise herself of the said file.
3. In addition, she does not state what documents she relied on in taxing the Bill of Costs.
4. I hereby on my own motion set aside the Taxation and Certificate of Costs dated 14th November 2023 and return the file to the Deputy Registrar, directing her to retax the Bill of Costs dated 31st August 2023 only after calling for the principal file Court of Appeal No 72 of 2020 arising from HC Constitutional Petition No 7 of 2018.
5. Accordingly, the court cannot consider the application for adoption of the Certificate of Costs dated 14th November 2023 which is hereby spent by the setting aside of the Taxation and Certificate of Costs.
6. Mention before the Deputy Registrar on 13th June 2024 for further directions.
7. The Advocate to serve the Respondent with Notice.



DATED, SIGNED AND DELIVERED AT KISUMU THIS 27TH DAY OF MAY, 2024

R. E. ABURILI

JUDGE

