

IN THE HIGH COURT OF TANZANIA

AT DAR ES SALAAM

MISC. CIVIL CAUSE NO. 114/02

KALUNGA & COMPANY ADVOCATES APPLICANTS

Versus

NATIONAL BANK OF COMMERCE LTD RESPONDENT

R U L I N G

IHEMA, J:

In these consolidated miscellaneous Civil Applications Nos 114 and 117 of 2002 Kalunga and Company Advocates herein-after referred to as the applicant is seeking for the following orders, namely:-

- (i) that the Bill of Costs annexed here-to be taxed by the Taxing Officer according to law;
- (ii) that the Taxing Officer taxes not only the Bill but also costs of the taxation and certifies what is due to the applicant in respect of the Bill and in respect of the costs of taxation;
- (iii) that until the taxation is completed, no action should be commenced on the bill and any action already commenced be stayed;
- (iv) that interest be paid on the Bill at the rate of 7% per annum from the date of delivery to the respondent of the said Bill to the date of satisfaction by the respondent.

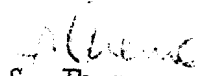
In support of these applications filed under Sections 61, 62, and 64 of the Advocates' Ordinance Cap 341 the affidavit deposed by Leopold Thomas Kalunga Esq The Principal Partner of Kalunga and Company Advocates is attached.

It is argued for the applicant that upon instructions to conduct the National Bank of Commerce's, the respondent, defence no payments were made by the respondent to the applicant of its legal fees. It is further contended for the applicant ^{that} these applications are being made because no agreement was made between the applicant and the respondent stating the quantum of the remuneration of the applicant nor how such remuneration was to be calculated.

In reply Mr. Mbepera the Acting Company Secretary of the respondent admits the liability to pay save for the failure of the applicant to avail to it the relevant case files in order to verify the bills as submitted.

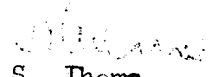
As the respondent does not in principle oppose the applications herein filed I will allow them and grant the orders as prayed in the chamber summonses. Costs to abide in the cause.

Order accordingly.


S. Thema

JUDGE

COURT: Ruling delivered before Mr. Mhango and Magai learned Advocates for the parties today 11/10/2002.


S. Thema

JUDGE

11/10/2002