



Kinyua and Maingi Advocates v Trident Insurance Company Limited (Miscellaneous Application E056 of 2023) [2024] KEHC 10300 (KLR) (31 July 2024) (Ruling)

Neutral citation: [2024] KEHC 10300 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT VOI
MISCELLANEOUS APPLICATION E056 OF 2023
GMA DULU, J
JULY 31, 2024
IN THE MATTER OF THE ADVOCATES ACT, CAP 16
AND
IN THE MATTER OF TAXATION OF ADVOCATE – CLIENT COSTS**

BETWEEN

KINYUA AND MAINGI ADVOCATES APPLICANT

AND

TRIDENT INSURANCE COMPANY LIMITED RESPONDENT

RULING

1. Before me is an application by way of Notice of Motion dated 16th November 2023 filed under Section 51(2) of the *Advocates Act* (Cap.16) by the applicant/advocate and seeks the following orders:-
 1. That judgment be entered in favour of the applicant against the respondent for the sum of Kenya Shillings One Hundred and Sixty Three Thousand, One Hundred and Ninety Five (Kshs. 163,195/=) only being the certified costs due to the applicant as against the respondent.
 2. That the respondent does pay to the applicant the costs of this application together with interest on the taxed sum.
2. The application has grounds on the face of the Notice of Motion and was filed with a supporting affidavit sworn by Njoki Kinyua Advocate on 16th November 2023 in which it was deponed that the applicant were the instructed advocates who acted for the respondent herein in Voi CMCC No. E004 of 2022 – *Rose Makumbo Mulamba v Charles Murigu*, and the respondent having failed to pay advocates fees, the Bill of Costs was taxed. Annexed to the affidavit is a ruling and reasons for taxation, as well as a Certificate of Taxation.



3. The application, though served, the respondent neither entered appearance, nor responded to the same.
4. The application not being opposed, I have no reason not to allow the same.
5. I thus allow the application and grant all the prayers sought.

DATED, SIGNED AND DELIVERED THIS 31ST DAY OF JULY, 2024 IN OPEN COURT AT VOI VIRTUALLY.

GEORGE DULU

JUDGE

In the presence of:-

Alfred/Trizah – Court Assistants

Ms. Kinyua for applicant/advocate

No appearance for respondent

