



Onyinkwa & Company Advocates v Kenya Orient Insurance Company Limited (Miscellaneous Civil Application E002 of 2024) [2024] KEHC 15276 (KLR) (30 October 2024) (Ruling)

Neutral citation: [2024] KEHC 15276 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KAPENGURIA
MISCELLANEOUS CIVIL APPLICATION E002 OF 2024
RPV WENDOH, J
OCTOBER 30, 2024**

BETWEEN

ONYINKWA & COMPANY ADVOCATES PLAINTIFF

AND

KENYA ORIENT INSURANCE COMPANY LIMITED DEFENDANT

RULING

1. By the Notice of motion dated 18/7/2024 the ex parte applicant seeks an order that the court do order the certificate of costs issued on 20/5/2024 to the applicant as against the respondent be converted/ adopted as a Judgement /decree of this court and Judgment be entered for the applicant against the Respondent for Kshs.219,350/= and secondly, that the interest due accrue on the said Kshs.219,350/= at the rate of 14%, per annum with effect from 1/3/2024, the date of filing the advocate – client bill of costs, till payment in full.
2. The applicant also prays for costs of the application. The Respondent was duly served with the application but failed to file any response.
3. A hearing notice was also served and an Affidavit of service dated 30/7/2024 filed in court. However, there was no appearance or response from the respondent. The applicant’s Counsel, Dennis Onyimbo Onyinkwa deponed that the respondent instructed the applicant’s firm of advocates to act for the Respondent’s insured in Kapenguria SPMCC E003/2023 as evidenced by the letter dated 11/8/2023 (D001); that the applicant defended the suit as requested till conclusion (D002) a copy of the pleadings; that after conclusion of the matter, the applicant sent a fee note in respect of professional fees and disbursements but the Respondent has failed to settle. As a result, the applicant filed an Advocates - client bill of costs dated 14/2/2024 (D003) which costs were taxed on 31/5/2024 at Kshs219,350/= and Certificate of Taxed Costs was issued, exhibited as D004; that the Respondent has failed to settle the said taxed costs and that is what has provoked this application.



4. I have considered the application. There is no doubt that the Respondent instructed the applicant to act for them in Kapenguria SPMCC E003/2023. There is also evidence that there has been no settlement of the same which forced the applicant to file the Advocates client bill of costs that was taxed and a certificate issued by the court. The respondent has failed to appear and the applicants' averments are uncontroverted
5. I hereby enter Judgment for the applicant against the Respondent for Kshs.219,350/= plus interest on costs at the rate of 14% per annum from the date of filing the Bill of Costs on 14/2/2023. The applicant will also have costs of the application.

DELIVERED, DATED AND SIGNED AT KAPENGURIA THIS 30TH DAY OF OCTOBER, 2024

R. WENDOHO.

JUDGE

Ruling delivered in the presence of

Applicant – Ms. Langat

Respondents -N/A

Court Assistants – Juma /Hellen

