



**Kimathi Wanjohi Muli Advocates v Kangahi (Miscellaneous Application E170 of 2023)  
[2024] KEHC 16815 (KLR) (Commercial and Tax) (29 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 16815 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI COMMERCIAL COURTS)  
COMMERCIAL AND TAX  
MISCELLANEOUS APPLICATION E170 OF 2023**

**BM MUSYOKI, J  
NOVEMBER 29, 2024**

**BETWEEN**

**KIMATHI WANJOHI MULI ADVOCATES ..... APPLICANT**

**AND**

**JAMES MUHU KANGAHI ..... RESPONDENT**

**RULING**

1. By notice of motion dated 3rd June 2024, the applicant has prayed for the following orders;
  1. That judgment is hereby entered against the respondent in favour of the applicant for Kshs 1,359,593.00 as more particularly ascertained by the taxing officer of this court and contained in the certificate of taxation dated 22<sup>nd</sup> May 2024.
  2. That the applicant is awarded interest at court rates from 22<sup>nd</sup> May 2024.
  3. That the applicant is awarded costs of the application.
2. The notice of motion which is brought under Section 51(2) of the *Advocates Act* and Order 51 rule 1 of the Civil Procedure Rules is supported by an affidavit sworn on 3<sup>rd</sup> June 2024 by one John Kimathi an advocate of this court. The respondent has not made any response to the application despite having participated in the taxation whose outcome was the certificate the applicant is seeking to enforce.
3. The applicant's bill of costs dated 9<sup>th</sup> March 2022 was on 5-04-2024 taxed at Kshs 1,359,593.00 and certificate to that effect issued by the Deputy Registrar on 22-05-2024. The respondent has not filed any reference in objection to the taxing officer's decision or in any other way challenged or sought to vary the certificate of costs. Pursuant to Section 51 of the *Advocates Act*, the certificate of taxation is now final and conclusive evidence of fees and costs owed by the respondent to the applicant.



4. There being no challenge to the certificate of costs, there is every reason to allow the application. In that regard, I make the following orders;
- a. Judgment is hereby entered for the applicant against the respondent for a sum of Kshs 1,359,593.00.
  - b. The decretal sum shall attract interest at court rates from the date of the taxation (5-04-2024) until payment in full.
  - c. The costs of the application are awarded to the applicant which are hereby assessed at Kshs 5,000.00.

**DATED SIGNED AND DELIVERED AT NAIROBI THIS 29<sup>TH</sup> DAY OF NOVEMBER 2024.**

**B.M. MUSYOKI**

**JUDGE OF THE HIGH COURT.**

Ruling delivered in presence of Mr. Ochieng for the applicant and in absence of the counsel for respondent.

