



WG Wambugu & Co Advocates v Kenya Broadcasting Corporation (Miscellaneous Application E205 of 2023) [2024] KEHC 16814 (KLR) (Commercial and Tax) (29 November 2024) (Ruling)

Neutral citation: [2024] KEHC 16814 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI COMMERCIAL COURTS)
COMMERCIAL AND TAX
MISCELLANEOUS APPLICATION E205 OF 2023
BM MUSYOKI, J
NOVEMBER 29, 2024**

BETWEEN

WG WAMBUGU & CO ADVOCATES APPLICANT

AND

KENYA BROADCASTING CORPORATION RESPONDENT

RULING

1. The applicant, a firm of advocates represented the respondent in this court's commercial case number 209 of 2006. The applicant claimed that the respondent did not pay its legal fees and as a result, commenced these proceedings vide advocate/client's bill of costs dated 13-03-2023. The bill of costs was subsequently taxed by the Deputy Registrar at Kshs 674,189.10 on 22-09-2023 and a certificate of taxation cost therefrom issued on 11-10-2023. It is this certificate of costs which the applicant seeks to convert to a judgment of this court vide notice of motion dated 9-11-2023.
2. The notice of motion is supported by affidavit of Wanja Wambugu sworn on 9-11-2023. The prayers in the said notice of motion are;
 1. The application be certified as urgent and service be dispensed with in the first instance.
 2. Judgment be entered for the applicant in the sum of Kenya shillings six hundred and seventy four thousand, one hundred and eight nine and ten cents (674,189.10) only, being the taxed costs.
 3. This honourable court do grant any further orders it may deem fit to grant.
 4. Costs of this application be provided for.



3. The application was heard by way of written submissions. The respondent has not responded to the application neither did it file any submissions. The applicant filed its submissions dated 6th August 2024. Section 52(2) of the *Advocates Act* provides that;

‘The certificate of the taxing officer by whom any bill has been taxed shall unless it is set aside or altered by the court, be final as to the amount of the costs covered thereby, and the court may make such order in relation thereto as it thinks fit, including, in a case where the retainer is not disputed, an order that judgment be entered for the sum certified to be due with costs.’

4. The respondent has not participated in this matter and it is my opinion that the retainer was not in dispute as the same should be the first point of determination in taxation proceedings. Since the same was not raised, the applicant is justified to seek entry of judgment in order to make it possible for it to enforce payment or settlement of the certificate of costs.

5. In view of the above and having read the notice of motion, the supporting affidavit and submissions of the applicant, I am convinced that the application is merited. I proceed to allow the application and award costs of this cause to the applicant which I assess at Kshs 5,000.00. The principal sum of the certificate of costs shall attract interest at court rates from the date of the certificate until payment in full.

DATED SIGNED AND DELIVERED AT NAIROBI THIS 29TH DAY OF NOVEMBER 2024.

B.M. MUSYOKI

JUDGE OF THE HIGH COURT

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

