



Mbugua Atudo & Macharia Advocates v Kenya Alliance Insurance Co Ltd (Miscellaneous Application E092 of 2023) [2024] KEHC 15337 (KLR) (28 November 2024) (Ruling)

Neutral citation: [2024] KEHC 15337 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS APPLICATION E092 OF 2023
RE ABURILI, J
NOVEMBER 28, 2024**

BETWEEN

MBUGUA ATUDO & MACHARIA ADVOCATES APPLICANT

AND

KENYA ALLIANCE INSURANCE CO LTD RESPONDENT

RULING

1. The Respondent was served with the application dated 28th May 2024 which seeks for entry of judgment in terms of the certificate of costs taxed dated 23rd October 2023 with interest from 17th November 2021 until payment in full.
2. There is no response opposing the Notice of Motion and neither is there any reference challenging the taxation of advocate/client bill of costs. There is also no dispute as to retainer.
3. In the premises, I allow the application dated 20th May 2024 as follows:
 1. I enter Judgment for the Applicant/Advocate in the sum of Kshs.349,698 as per certificate of costs dated 5th April 2024 with interest at 14% p.a from one month of the date of taxation on 23rd October 2023 until payment in full, there being no evidence that the fee note was demanded for in 2021 and evidence of service upon the Respondent.
 2. Decree to issue
 3. The applicant shall serve Decree and Notice of entry of judgment herein, upon the Respondent, giving it 14 days of date of service to settle before setting in motion execution proceedings.
 4. Each party to bear their own costs of the application dated 28th May 2024.
4. Mention on 16th January 2025 before the Deputy Registrar to confirm settlement.



DATED, SIGNED AND DELIVERED AT KISUMU THIS 28TH DAY OF NOVEMBER, 2024

R. E. ABURILI

JUDGE

