



**Gatheru Gathemia T/A Gatheru Gathemia & Co. Advocates v Ngenda  
Location Ranching Co.Ltd (Miscellaneous Civil Suit E014 of 2022)  
[2024] KEHC 16457 (KLR) (20 December 2024) (Judgment)**

Neutral citation: [2024] KEHC 16457 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAROK  
MISCELLANEOUS CIVIL SUIT E014 OF 2022  
F GIKONYO, J  
DECEMBER 20, 2024**

**BETWEEN**

**GATHERU GATHEMIA T/A GATHERU GATHEMIA & CO.  
ADVOCATES ..... APPLICANT**

**AND**

**NGENDA LOCATION RANCHING CO.LTD ..... RESPONDENT**

**JUDGMENT**

**Certificate of taxation**

1. The applicant lodged an advocate-client bill of cost dated 09/12/2022. The bill was taxed by the taxing officer on 25/04/2024. The taxing officer allowed the bill of cost as against the respondent at Kshs. 591,008.40/=. A certificate of taxation was issued on 11/06/2024.
2. The certificate of taxation dated 25/04/2024 has neither been reversed nor set aside. There is no reference on the taxation.
3. There is also no dispute as to the retainer between the applicant and the respondent hence the application herein.

**The application.**

4. The application is by Notice of Motion dated 31/07/2024, where the Applicant is seeking orders that the judgment be entered for the applicant against the respondent for Kshs. 591,008.40/= being the advocates fees taxed and certificate of taxation dated 25/04/2024 together with interest thereon at the rate of 16% per annum from 01/03/2023 being the date on which the bill of costs was served upon the respondent as provided for in part 1 of the *advocates' remuneration order* and rules. The applicant also sought the costs of this application.



5. The application is premised on section 51(2) of the *Advocates Act*, Rule 7 of the *advocates' remuneration order*, and the inherent jurisdiction of the court.
6. The application is based on the grounds set out on the face of the application and the supporting affidavit of Gatheru Gathemia, an advocate of the high court of Kenya sworn on 31/07/2024.

**The response.**

7. The respondent did not file any replies despite service.

**Directions of the court**

8. The applicant relied on the papers filed.

**Analysis and Determination.**

9. The respondent did not file any response despite being served as evidence by the affidavit of service sworn on 09/08/2024 by John Mwatu.
10. This court has considered the pleadings, evidence, and the applicable law.
11. The issue is: -  

Whether the court should order that judgment be entered for the sum certified to be due in the certificate of taxation with costs and interest for the applicant.
12. Section 51(2) of the *Advocates Act* provides as follows: -  

“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.”
13. Rule 7 of the *Advocates (Remuneration) Order* provides that: -  

“An advocate may charge interests at 14% per annum on his disbursement and costs whether by scale or otherwise, from the expiration of one month from the delivery of his bill to the client, such claim for interests is raised before the amount of the bill has been paid or tendered in full.”
14. The certificate of costs issued by the taxing officer has not been set aside, and/ or altered. No reference under paragraph 11 of the *Advocates Remuneration Order* challenging the decision of the said taxing master. Therefore, the certificate of taxation is final in respect of costs certified.
15. There is no dispute on retainer.
16. The bill was delivered to the client; thus, interest is due from the date it was delivered.
17. The respondent has also not filed any response opposing the adoption of the taxed costs as the judgment sum.



## **Disposition**

18. In the upshot, this court finds that the applicant's notice of motion dated 31/07/2024 is merited and is hereby allowed in the following terms: -
- a. Judgment be and is hereby entered in favour of the applicant in the sum of Kshs 591,008.40/ = together with interest thereon at fourteen (14%) percent per annum from 01/03/2023 until payment in full.
  - b. Costs of this application be awarded to the applicant.
19. Orders accordingly.

**DATED, SIGNED, AND DELIVERED AT NAROK THROUGH TEAMS APPLICATION, THIS 20<sup>TH</sup> DAY OF DECEMBER, 2024.**

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**HON. F. GIKONYO M**

**JUDGE**

In the presence of: -

McRonald for applicant

Tanyasis for respondent absent

Otolo C/A

