



**Miller & Company Advocates v Nyamu & 8 others (Miscellaneous Application
247 of 2015) [2023] KEELC 16345 (KLR) (21 March 2023) (Ruling)**

Neutral citation: [2023] KEELC 16345 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
MISCELLANEOUS APPLICATION 247 OF 2015**

MD MWANGI, J

MARCH 21, 2023

**IN THE MATTER OF THE ADVOCATES ACT CAP.16 LAWS
OF KENYA**

BETWEEN

MILLER & COMPANY ADVOCATES APPLICANT

AND

ANTHONY M NYAMU 1ST RESPONDENT

RAVITEX LIMITED 2ND RESPONDENT

GARDEN VIEW VILLAS LIMITED 3RD RESPONDENT

KINGAWA HOLDINGS LIMITED 4TH RESPONDENT

OLIVER JAGALO OGALO T/A JAGLA ENTERPRISES 5TH RESPONDENT

**KENNETH STRAVENS, ISSAC KIMANNI KANYIGI AND JOHN MUNDIA C/
O THE LIFE MINISTRY KENYA 6TH RESPONDENT**

JANE MWANGI 7TH RESPONDENT

SIMEON LESRIMA 8TH RESPONDENT

ELIMOJOS ENTERPRISES 9TH RESPONDENT

RULING

1. Before me for determination is the Advocate's application dated August 4, 2021. The application seeks entry of judgement against the respondents herein for the sum of Kshs 276,503.98 in the terms of the certificate of costs issued by the court in this matter after the taxation of the advocate - client bill of



costs dated January 11, 2010. The bill of costs was taxed by the taxing master at Kshs 276,503.98/= by a ruling delivered on the March 12, 2020.

2. The advocate's application is further supported by the affidavit sworn on August 4, 2021 by one Anthony Mbaji, an advocate with the Applicant, Miller & Co Advocates. He deposes that the advocate's bill of costs dated January 11, 2010 was taxed at a sum of Kshs 276,503.98/=. That the applicant is therefore seeks to execute for costs assessed herein by this honourable court.

Court's Directions

3. The court's directions were that the application be canvassed by way of written submissions. The respondents did not participate in these proceedings in any way. The application is therefore unopposed. The advocate/ applicant did not equally file his submissions.

Issues for Determination

4. What is before this court is an application for entry of judgment after the taxation of an advocate - client bill of costs and issuance of a certificate of taxation. Accordingly, the only issue for determination is whether the court should enter judgment in favour of the advocate/applicant as prayed.

Determination

5. It is not in dispute that the advocate-client bill of costs dated January 11, 2019 was taxed on the March 12, 2020 at the sum of Kshs 276,503.98/=. A certificate of costs dated September 21, 2022 was subsequently issued.
6. The certificate of taxation of the taxing officer unless set aside or altered by the court is final in regard to the amount of costs covered as provided under section 51(2) of the [Advocates Act](#).
7. The taxation of the Advocate's bill of costs has not been challenged by the Clients in accordance with the provisions of rule 11 of the [Advocates Remuneration Order](#).
8. Accordingly, that being the case, the court has no option but to enter judgment in favour of the Advocate for the sum of Kshs 276,503.98/= as prayed. The Advocates application is allowed as prayed.

Conclusion

9. In conclusion therefore the court makes the following orders: -
 - a. Judgment is entered in favour of the advocate/applicant against the respondents for the sum of Kshs 276,503. 98/=.
 - b. The advocate/applicant shall have the costs of the application.

It is so ordered

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 21ST DAY OF MARCH 2023

M.D. MWANGI

JUDGE

In the virtual presence of:

Mr. Munguti for the Advocate/Applicant.

No appearance for the Respondents.



Court Assistant – Yvette.

M.D. MWANGI

JUDGE

