



**Kinyua Mbaabu & Co. Advocates v Nomads Quintessence Agri-Solutions Limited (Miscellaneous Application 556 of 2021)
[2023] KEHC 1163 (KLR) (Commercial and Tax) (27 January 2023) (Ruling)**

Neutral citation: [2023] KEHC 1163 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI COMMERCIAL COURTS)
COMMERCIAL AND TAX
MISCELLANEOUS APPLICATION 556 OF 2021
PN GICHOHI, J
JANUARY 27, 2023**

BETWEEN

KINYUA MBAABU & CO. ADVOCATES APPLICANT

AND

NOMADS QUINTESSENCE AGRI-SOLUTIONS LIMITED RESPONDENT

RULING

1. By a Notice of Motion dated July 18, 2022 brought under Section 51(2) of the *Advocates Act* and Rule 7 of the Advocates (Remuneration) Order, the Advocate/Applicant seeks orders that judgment be entered for the Applicant against the Respondent for the sum of Ksh 52,695/= as appears on the certificate of taxation dated January 10, 2022 together with interest from the date of filing this Application until payment in full. He further prays that upon the Court adopting the certificate of taxation dated January 10, 2022, the Applicant be allowed to execute the same against the Respondent.
2. The application is supported by the affidavit sworn by Kenneth K Mbaabu on July 18, 2022. He states that the Applicant filed an advocate- client bill of costs dated July 28, 2021 but the bill of costs was uncontested. The Taxing Master delivered a ruling on January 10, 2022 whereby he taxed the bill at Ksh 52,695/= and issued a certificate of taxation dated January 10, 2022 in favour of the Applicant for the sum of Ksh 52,695/=.



Determination

3. I have considered that this application is served but unopposed. The Respondent did not attend Court either. There is a certificate of Taxation for Ksh 52,695/=. Section 51 (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. Further, Paragraph 7 of the Advocates (Remuneration) Order provides that “An advocate may charge interest at 14 per cent per annum on his disbursements and costs, whether by scale or otherwise, from the expiration of one month from the delivery of his bill to the client, provided that such claim for interest is raised before the amount of the bill shall have been paid or tendered in full.”

5. The certificate of taxation issued on January 10, 2022 and has not been set aside or altered by this Court. The application is allowed in the following terms;

1. Judgment be and is hereby entered in favour of the Applicant as against the Respondent in the sum of Ksh 52,695/= together with interest thereon at fourteen (14%) per cent per annum calculable after Thirty (30) days from the date when the application was served upon the Respondent until payment in full.
2. The Applicant is allowed to execute the same as against the Respondent.
3. Costs awarded to the Applicant.

READ, SIGNED AND DELIVERED VIRTUALLY AT MILIMANI THIS 27TH DAY OF JANUARY, 2023.

PATRICIA GICHOHI

JUDGE

In the presence of:

Ms Akinyi for Mbaabu for Appellants/Applicants

N/A for the Respondent

Grace Njuki, Court Assistant

