



REPUBLIC OF KENYA



**Munene t/a Munene & Company Advocates v Mwaniki (Miscellaneous Civil Application 1 of 2017) [2023] KEHC 94 (KLR) (19 January 2023) (Ruling)**

Neutral citation: [2023] KEHC 94 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYERI  
MISCELLANEOUS CIVIL APPLICATION 1 OF 2017  
FN MUCHEMI, J  
JANUARY 19, 2023**

**BETWEEN**

**NG'ANG'A MUNENE T/A MUNENE & COMPANY ADVOCATES . ADVOCATE**

**AND**

**DANIEL GITHAIGA MWANIKI ..... CLIENT**

**RULING**

**Brief facts**

1. The application for determination dated 8<sup>th</sup> January 2018 seeks for orders for judgment to be entered for Kshs. 85,105/- with interest at court rates and that a decree do issue accordingly.

**The Applicant's case**

2. The applicant states that it is a law firm, which acted for the respondent in this matter HC Misc. App No. 1 of 2017. The bill of costs was taxed but the respondent has not settled the decree on costs. As such, the applicant prays for judgment be entered for the sum of Kshs. 85,105/- with interest and costs.

**Analysis and Determination**

3. Earlier in this matter, the respondent filed a reference dated 24<sup>th</sup> June 2019 seeking to set aside and review the Taxing Master's ruling dated 16<sup>th</sup> November 2017 on the Advocate/Client Bill of costs dated 13<sup>th</sup> January 2017. In its ruling delivered on 2<sup>nd</sup> June 2022, this court allowed the reference on the principle that the Taxing Master made a mathematical error which warranted the court to interfere with the taxing master's ruling. The bill of costs was taxed at Kshs. 115,312/- but the taxing Master made an error and added the deposit paid by the respondent to the applicant instead of subtracting it from the taxed cost. The court found that the total taxed bill less the deposit of legal fees paid was Kshs. 85,105/- and made the correction to that effect. Save for the mathematical error, the court found that no error of principle was made by the Taxing Master and as such found no need to refer the bill back



to the taxing master. The court went ahead and made the correction on the bill thereby reducing the bill with the deposit legal fees paid by the applicant using the receipts in this file.

4. It is important to note that the applicant did not file any replying affidavit in opposition to this application.
5. I find this application merited and allow it accordingly. Judgment is hereby entered in favour of the applicant against the respondent for Kshs. 85,105/- with no orders as to costs.
6. It is hereby so ordered.

**DELIVERED, DATED AND SIGNED AT NYERI THIS 19<sup>TH</sup> DAY OF JANUARY, 2023.**

**F. MUCHEMI**

**JUDGE**

**RULING DELIVERED THROUGH VIDEOLINK THIS 19<sup>TH</sup> DAY OF JANUARY, 2023.**

