



REPUBLIC OF KENYA



KENYA LAW
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Anthony Burugu & Company Advocates v Nderitu (Miscellaneous Civil Application E045 of 2021) [2023] KEHC 3672 (KLR) (27 April 2023) (Ruling)

Neutral citation: [2023] KEHC 3672 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIVASHA
MISCELLANEOUS CIVIL APPLICATION E045 OF 2021**

GL NZIOKA, J

APRIL 27, 2023

BETWEEN

ANTHONY BURUGU & COMPANY ADVOCATES APPLICANT

AND

BENSON MWANGI NDERITU RESPONDENT

RULING

1. The subject application herein is dated 31st March 2022 brought under the provisions of section 51 (2) of the Advocates Act (Cap 16) Laws of Kenya, and all enabling provisions of the law. The applicant is seeking for orders that: -
 - a. Judgment be entered against the Respondent for the sum of Kshs. 367,137/- in accordance with the Certificate of Taxation dated 16th March 2022.
 - b. The cost of the application be provided for.
2. The application is supported by the grounds thereto and the affidavit of even date sworn by Anthony Burugu, an advocate of the High Court practising as such in the applicant's firm. He avers that he filed a Client- Advocate bill of costs (herein "the bill") dated 20th August 2021, and on 10th March 2022 it was taxed at Kshs. 367,137. Consequently, a certificate of taxation was issued on 16th March 2022.
3. The application was served as evidence by the affidavit of service sworn on 24th November 2022, but no response was filed and therefore it is unopposed,
4. In considering he same I note that, the provision of section 51(2) of the Advocates Act, states as follows: -

"The certificate of a taxing officer by whom it has been taxed shall, unless it is set aside or altered by the court, be final as to the amount of 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.”

5. In that regard I note that the applicant has produced evidence of the certificate of costs dated; 16th March 2022. I also take note of the ruling of the bill dated 10th March 2022. The same has not been set aside and neither is there a dispute on retainer. In that case I find that the application has merit and I allow it as prayed.

6. It is so ordered.

DATED, DELIVERED AND SIGNED ON THIS 27TH DAY OF APRIL 2023

GRACE L. NZIOKA

JUDGE

In the presence of:

Mr. Burugu for the Applicant

N/A for the Respondent

Ms Ogutu; Court Assistant

