



REPUBLIC OF KENYA



**KENYA LAW**

THE NATIONAL COUNCIL FOR LAW REPORTING

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**Directline Assurance Co Ltd v Chamwana (Civil Appeal E009 of 2022)  
[2023] KEHC 19294 (KLR) (Civ) (27 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 19294 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

**CIVIL**

**CIVIL APPEAL E009 OF 2022**

**AN ONGERI, J**

**JUNE 27, 2023**

**BETWEEN**

**DIRECTLINE ASSURANCE CO LTD ..... APPELLANT**

**AND**

**EDWIN CHAMWANA ..... RESPONDENT**

**RULING**

1. The application coming for consideration in this ruling is the reference dated 6/3/2023 from the Taxing Master's ruling delivered on 8/12/2022.
2. The only item contested is the instruction fee which was taxed under schedule 6A of the *Advocates Remuneration (amendment) Order 2104*.
3. The taxing master taxed off kshs 28,592.96.
4. The value of the subject matter was awarded of ksh 1,718,591.20.
5. The *Advocates Remuneration Order* provides for ksh 120,000 for up to 1,000,000 and 2% of the excess.
6. The proper calculation is as follows  
1,000,000 – 120,000  
2% of the excess (Ksh 718,591.20) = 14,371.82  
Total award 134,371.82
7. I find that the taxing officer was right in her calculation.
8. The advocate was asking for 2% of the total figure of 1,718,591.20. I find that granting 2% of the total figure would amount to double award.



9. The reference is dismissed with no order as to costs.

**DATED, SIGNED AND DELIVERED ONLINE VIA MICROSOFT TEAMS AT NAIROBI THIS  
27<sup>TH</sup> DAY OF JUNE, 2023.**

.....

**A. N. ONGERI**

**JUDGE**

**In the presence of:**

..... for the Appellant

..... for the Respondent

