



**Gitonga Muriuki t/a Gitonga Muriuki & Co. Advocates v Teleposta Savings
& Credit Cooperative Society Limited (Civil Miscellaneous Application
351 of 2017) [2023] KEHC 19117 (KLR) (Civ) (27 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 19117 (KLR)

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

CIVIL

CIVIL MISCELLANEOUS APPLICATION 351 OF 2017

AN ONGERI, J

JUNE 27, 2023

BETWEEN

**GITONGA MURIUKI T/A GITONGA MURIUKI & CO.
ADVOCATES APPLICANT**

AND

**TELEPOSTA SAVINGS & CREDIT COOPERATIVE SOCIETY
LIMITED RESPONDENT**

RULING

1. The application coming for consideration in this ruling is the one dated May 26, 2021 seeking entry of judgment in the sum of kshs 515,067 against the respondent in terms of the certificate of taxation issued on December 22, 2020 together with interest at the rate of 14% per annum from the date of the taxation until payment in full.
2. The application is based on the grounds on the face of it and supported by the affidavit of Gitonga Kithinji Muriuki in which he has deponed that the taxing master taxed the bill of costs at ksh 515,067 only on June 7, 2019 and issued a certificate on December 22, 2020 and further that no reference has been filed against the said bill of costs.
3. The application was served upon the respondents and they filed a Replying affidavit sworn on October 12, 2021 by Maryanne Ndekei, the Chief Executive of the Respondent.
4. It is deposed in the said RA that Respondent has been ready to settle the the amount of Kshs,515,067 as per the certificate of costs but the Applicant has been demanding interest of 14% which was not awarded by the Taxing master.



5. Further that the element of interest ought to have been included in the bill of costs but it was not.
6. The applicant filed written submissions which I have duly considered. The Applicant stated in their submissions that the certificate of costs has not been varied or set aside and further that the Respondent did not file any reference against the ruling of the Taxing Master.
7. The Applicant further submitted that once judgment is entered, the decretal sum is liable to attract interest at 14% from 30 days upon service of the bill of costs.
8. The Applicant relied on the case of *Kitibi & Company Advocates Vs Menengai Downs Ltd* [2015] eKLR .
9. The sole issue for determination in this Application is whether the Applicant is entitled to 14% interest on the taxed bill of costs.
10. I agree with Justice Mabeya in the above case where he stated as follows;

“ There seems to be a misconception by legal practitioners on the award of interest on taxed costs. An Advocate is entitled to interest on the amount taxed on an Advocate/client Bill of Costs. The rate of interest awardable is 14% per Annum applicable from 30 days after the date of service of either the Block Fee Note or the Bills of Costs. This is clearly set out in Rule 7 of the *Advocates Remuneration Order* which provides: -

“An advocate may charge interest at 14% 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, providing such claim for interest is raised before the amount of the bill has been paid or tendered in full.”

11. I find that the Respondent has no basis to object to the interest charged by the Applicant.
12. The Respondent has not filed any reference against the bill of costs.
13. Judgment be and is hereby entered in favour of the appellant against the respondent on the sum of kshs 515,0676/= plus interest at 14% from the expiration of one month from the delivery of the bill until payment in full.
14. Since it is not evident from the record when the bill was delivered to the client for payment, the interest to be charged from the date of taxation considering the bill was filed for taxation after the Respondent failed to settle the claim.

DATED, SIGNED AND DELIVERED ONLINE VIA MICROSOFT TEAMS AT NAIROBI THIS 27TH DAY OF JUNE, 2023.

.....

A. N. ONGERI

JUDGE

In the presence of:

..... for the Advocate/Applicant

..... for the Respondent

