



**Makhecha & Gitonga Advocates v Standard Group Limited (Civil Miscellaneous Application E392 of 2020) [2023] KEHC 21888 (KLR) (Civ) (14 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 21888 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
CIVIL  
CIVIL MISCELLANEOUS APPLICATION E392 OF 2020  
AN ONGERI, J  
AUGUST 14, 2023**

**BETWEEN**

**MAKHECHA & GITONGA ADVOCATES ..... APPLICANT**

**AND**

**STANDARD GROUP LIMITED ..... RESPONDENT**

**RULING**

1. This is a reference from the taxing officer's bill of costs taxed on April 29, 2021 at Kshs 340,931.10
2. The applicant is contesting only the instruction fee where the taxing officer awarded the applicant Kshs 120,000.
3. The applicant is seeking Kshs 300,000 in respect of instruction fees.
4. The applicant asked the court to consider section 16A of the *Defamation Act*.
5. The value of the subject matter could not be ascertained from the pleading and since this was a defamation suit.
6. The taxing officer relied on the following factors;
  - i. The nature and importance of the cause or matter.
  - ii. The amount or value of the subject matter.
  - iii. The interest of the parties.
  - iv. The general conduct of the parties.
  - v. The complexity of the issues raised and novel points of law.



- vi. The time, research and skill expended in the brief.
- vii. The volume of documents involved.
- 7. The taxing officer also relied on the authorities of *Premacchand Raichand Ltd & Ano v Quarry Servies Ea Ltd* (1972) EA Pg 162 and *Republic v Minister For Agriculture And Two Others Exparte Sameul Muchiri Wa Njuguna & 6 others* (2006) e KLR.
- 8. I find that the amount of Kshs 120,000 was on the lower side and I grant the applicant is granted Kshs 220,000 in respect of instruction fees.
- 9. The total award is increased by 150,000 = 490,931.

**DATED, SIGNED AND DELIVERED ONLINE VIA MICROSOFT TEAMS AT NAIROBI THIS 14<sup>TH</sup> DAY OF AUGUST, 2023.**

.....

**A. N. ONGERI**

**JUDGE**

In the presence of:

..... for the Applicant/Advocate

..... for the Respondent/Client

