



**Ringera Geoffrey Gatari t/a Gatari Ringera & Co. Advocates v Meru County Government & 3 others (Judicial Review E001 of 2023) [2023] KEHC 22952 (KLR) (28 September 2023) (Ruling)**

Neutral citation: [2023] KEHC 22952 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MERU  
JUDICIAL REVIEW E001 OF 2023  
TW CHERERE, J  
SEPTEMBER 28, 2023**

**BETWEEN**

**RINGERA GEOFFREY GATARI T/A GATARI RINGERA & CO.  
ADVOCATES ..... APPLICANT**

**AND**

**MERU COUNTY GOVERNMENT ..... 1<sup>ST</sup> RESPONDENT  
COUNTY EXECUTIVE MEMBER FOR FINANCE, COUNTY GOVERNMENT  
OF MERU ..... 2<sup>ND</sup> RESPONDENT  
THE CHIEF OFFICER FINANCE, COUNTY GOVERNMENT OF  
MERU ..... 3<sup>RD</sup> RESPONDENT  
COUNTY ATTORNEY COUNTY GOVERNMENT OF MERU .... 4<sup>TH</sup>  
RESPONDENT**

**RULING**

1. Section 51(2) of the Advocates Act Section 51 of the Act makes general provisions for entry of judgment on a Certificate of Taxation which has not been set aside or altered where there is no dispute as to retainer in the following terms: -

“The certificate of the taxing officer by whom any bill has been taxed shall, unless it is set aside or altered by the court, be final as to the amount of the 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 judgement be entered for the sum certified to be due with costs.”



2. Section 2 of the Act defines the “Court” to mean the High Court. The consent order dated 06<sup>th</sup> January, 2023 by which a magistrate purported to enter judgment on taxed costs was unprocedural and the Applicant cannot rely on such an order to enforced a nonexistent judgment as against the Respondents.
3. Finally, the subject suit by which the Applicant’s costs were taxed is CHUKA ELC CASE NO. 4 OF 2018 and any suit arising from taxed costs ought to have been filed in the High Court at Chuka.
4. For the reasons given in the foregoing analysis, I find that this suit was filed unprocedurally and prematurely and it is struck out.
5. Each party shall bear its own costs

**DATED AT MERU THIS 28<sup>TH</sup> DAY OF SEPTEMBER 2023**

**WAMAE. T. W. CHERERE**

**JUDGE**

Appearances

Court Assistant - Morris Kinoti

For Applicant - Mr. Kimathi for L.Kimathi Kiara & Co. Advocates

For Respondents - Mr. Mwirigi for Mwirigi Nzomo &Co. Advocates

