



REPUBLIC OF KENYA



Mwangi Njenga & Company Advocates v County Government of Mombasa (Miscellaneous Civil Application 77 of 2022) [2022] KEHC 11808 (KLR) (4 August 2022) (Ruling)

Neutral citation: [2022] KEHC 11808 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
MISCELLANEOUS CIVIL APPLICATION 77 OF 2022**

**OA SEWE, J
AUGUST 4, 2022**

BETWEEN

MWANGI NJENGA & COMPANY ADVOCATES PLAINTIFF

AND

COUNTY GOVERNMENT OF MOMBASA DEFENDANT

RULING

1. The Notice of Motion dated May 13, 2022 was filed herein by M/s Mwangi Njenga and Company Advocates pursuant to Section 51 (2) of the *Advocates Act*, Chapter 16 of the Laws of Kenya as well as Sections 1A, 1B, 3 and 3A of the *Civil Procedure Act*, Chapter 21 of the Laws of Kenya and Order 51 Rule 1 of the *Civil Procedure Rules*. It seeks orders that:
 - (a) The various taxed matters between the Advocate/Applicant and the Client/Respondent as listed at paragraph 1 of the said application be consolidated for expedient disposal.
 - (b) Judgment be entered in favour of the Advocate/Applicant in the sum of Kshs 8,102,046/13 plus interest thereon at court rates until full payment.
 - (c) Costs of the application be provided for.
2. The application was based on the grounds that outstanding legal fees between the Applicant and the Respondent have been taxed and certified by the court in various miscellaneous applications whose sum total comes to Kshs 8,102,046/13, and that the Respondent, in spite of having been served with the Certificates of Costs, has failed and/or neglected to satisfy the certificates. The application was supported by the affidavit of John Gachiri Kariuki, sworn on May 13, 2022 to which he annexed copies of 7 certificates of costs issued in the following applications all totaling kshs 8,102,045/53:
 - (a) High Court Misc Application No E065 of 2020 dated August 25, 2021 for Kshs 906,217/33/ =.



- (b) High Court Misc. Application No. E066 of 2020 dated June 23, 2021 for Kshs. 677,039/20/=.
 - (c) High Court Misc. Application No 10 of 2021 dated February 18, 2022 for Kshs 243,347/=.
 - (d) High Court Misc Application No 11 of 2021 dated February 17, 2022 for Kshs 157,295/=.
 - (e) High Court Misc Application No 12 of 2021 dated February 17, 2022 for Kshs 176,847/=.
 - (f) High Court Misc Application No 13 of 2021 dated February 23, 2022 for Kshs 5,409,000/=.
3. I am therefore satisfied that, on the basis of the averments set out in the Supporting Affidavit and in particular the certificates annexed thereto, a justification has been made to warrant the issuance of the orders sought. In the premises, it is hereby ordered that:
- (a) The various taxed matters between the applicant and respondent as aforementioned be and are hereby consolidated for expedient disposal.
 - (b) Judgment be and is hereby entered in favour of the applicant on the basis of the 7 certificates of costs exhibited herein in the total sum of Kshs 8,102,045/53 together with interest thereon at court rates from the date hereof until full payment.
 - (c) Costs of the application be borne by the respondent.

It is so ordered.

DATED, SIGNED AND DELIVERED VIRTUALLY AT MOMBASA THIS 4TH DAY OF AUGUST 2022.

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OLGA SEWE
JUDGE

