



REPUBLIC OF KENYA



**KENYA LAW**  
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**Malombo t/a OM Robinson & Co Advocates v Al-Hailee Investment Limited (Miscellaneous Application E012 of 2024) [2025] KEELC 4494 (KLR) (4 April 2025) (Ruling)**

Neutral citation: [2025] KEELC 4494 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI  
MISCELLANEOUS APPLICATION E012 OF 2024**

**JG KEMEI, J**

**APRIL 4, 2025**

**BETWEEN**

**ROBINSON ONYANGO MALOMBO T/A OM ROBINSON & CO  
ADVOCATES ..... APPLICANT**

**AND**

**AL-HAILEE INVESTMENT LIMITED ..... RESPONDENT**

**RULING**

(in respect to the Applicant's application dated the 21/5/24 seeking orders that judgment be entered for the applicant with respect to the amounts taxed and certified by the Deputy Registrar on 14/5/24 as due to the Applicant)

1. What is before the court is the applicant's motion of 21/5/24 seeking the following orders;
  - a. That the judgement be entered for the applicant against he respondent in the sum of Kshs 3,663,525/- being the amount taxed ad certified by the Deputy Registrar on 14/5/24 as due to the applicant.
  - b. That interest on the taxed sum of Kshs 3,063,525/- to accrue from 11/3/24 till payment in full
  - c. Costs of the application be provided for
2. The application is premised on the grounds annexed thereto and the supporting affidavit of Robinson Onyango Malombo sworn on even date. He avers that on the 9/5/22 he was instructed by the Respondent to represent it in PET e017 of 2022 – Al-hailee investments Limited Vs the officer Commanding Police officer Division, Embakasi Police Station, the inspector General of the National Police Service and the Hon Attorney General.
3. That sometime in 2023 the Advocate /client relationship ceased and he proceeded to file an Advocate – client bill of costs which was taxed at Kshs 3,065,525/- as evidenced by the Ruling of the Taxing



Master rendered the 11/3/24. That thereafter the court issued a certificate of Taxation on the 14/5/24, both documents are annexed thereto and marked as ROM1 and ROM2.

4. That the certificate of Taxation was served upon the Respondent and its Advocates. However, the Respondent has not settled the said claim. That justice would be served by entering judgment in respect to the taxed amounts and costs together with interest from the date of filing of the bill of costs.
5. The Respondent filed a notice of Objection dated the 21/3/254 under Rule 11(1) of the Advocates Remuneration Order seeking the reasons for the decision.
6. The issue for determination is whether the applicant is deserving of the orders sought.
7. It is clear that the Advocates' Bill of Costs dated 24/11/2023 was taxed on 11/03/2024 and allowed as against the Respondent in the sum of Kshs. 3, 063, 525/=. A Certificate of Taxation was subsequently issued on 14/05/2024.
8. Although the Client/Respondent filed a Notice of Objection dated 21/03/2024, it did not file any Reference. The taxation of the Advocate's Bill of Costs has therefore not been challenged by the Client in accordance with the provisions of Rule 11 of the Advocates Remuneration Order which provides that:

“Where a party is aggrieved by the decision of a Taxing Master, he is required to object in writing by requesting the Taxing Master to give reasons for the items of taxation that he is objecting to and thereafter file reference before a Judge.”

9. Section 51 of the *Advocates Act* further provides that:

“(1) Every application for an order for the taxation of an advocate's bill or for the delivery of such a bill and the delivering up of any deeds, documents and papers by an advocate shall be made in the matter of that advocate.

(2) 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 judgment be entered for the sum certified to be due with costs.”

10. My reading of the above provision is that the certificate of costs once issued by the Taxing officer is final unless set aside and or altered by the Court. The Court may also make an order that judgment be entered in terms of the amount in the Certificate of Costs.
11. In the case of Lubulellah & Associates Advocates –vs- N. K. Brothers Limited [2015] eKLR the court observed that;

“The law is very clear that once a taxing master has taxed the costs, issued a Certificate of costs and there is no reference against his ruling or there has been a ruling and a determination made and not set aside and/or altered, no other action would be required from the court save to enter judgment. An applicant is not required to file suit for the recovery of costs”.

12. The Client/Respondent did not file a reference to challenge the ruling of the Taxing Master. That being the case, the court enters judgement for the Applicant against the Respondent for the sum of Kshs. 3, 063, 525 /=-.



13. The application having not been opposed, it is allowed as prayed.
14. I make no orders as to costs
15. Orders accordingly

**DELIVERED, DATED AND SIGNED AT NAIROBI THIS 4<sup>TH</sup> DAY OF APRIL, 2025 VIA MICROSOFT TEAMS.**

**J. G. KEMEI**

**JUDGE**

Delivered in Online in the Presence of:

1. Ms. Malombo HB for Mr. Malombo for the Applicant
2. NA for the Respondent
3. CA – Ms Yvette

