



**Amondi & Company Advocates v Ngode & 3 others (Miscellaneous Application E001 of 2023) [2025] KEELC 4243 (KLR) (30 May 2025) (Ruling)**

Neutral citation: [2025] KEELC 4243 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT KISUMU  
MISCELLANEOUS APPLICATION E001 OF 2023**

**E ASATI, J**

**MAY 30, 2025**

**IN THE MATTER OF ADVOCATE CLIENT BILL OF COSTS PURSUANT TO SCHEDULE VI C ADVOCATES ACT OR ADVOCATES (REMUNERATION AMENDMENT) BEFORE THE HIGH COURT DEPUTY REGISTRAR.**

**BETWEEN**

**AMONDI & COMPANY ADVOCATES ..... ADVOCATE**

**AND**

**ERIC NGODE ..... 1<sup>ST</sup> CLIENT**

**PAMELA ODOLO ..... 2<sup>ND</sup> CLIENT**

**MARTIN OMONDI ..... 3<sup>RD</sup> CLIENT**

**ISMAEL LISA ..... 4<sup>TH</sup> CLIENT**

**RULING**

1. The application before court is the Notice of Motion dated 18/3/2025 brought by the Applicant seeking for orders that:
  - a. Certificate of costs in respect of the taxation order made on the 22<sup>nd</sup> of December 2023 for the sum of Kenya shillings two hundred and eighty-four thousand one hundred and forty four and seventy eight cents only (Kshs.284,144.78) be adopted as a judgement and decree of the court together with interest at 11% per annum from the date of filing of the bill for taxation on 17<sup>th</sup> July 2023 till payment in full.
  - b. Interest accrued on the costs and disbursements due to the applicant be awarded from the date of filing of the bill for taxation on 17<sup>th</sup> July 2023 till payment in full by the Respondent.
  - c. Costs of the application be borne by the Respondent.



2. The application was supported by the averments in the Supporting Affidavit of Sylvia Nyambeki Advocate and the annexures thereto.
3. The grounds upon which the application was brought are that the applicant was retained by the Respondent in ELC LAND CASE NO 48 OF 2021. That the applicant's costs in the matter were taxed at Kshs.284,144.78 and a certificate of taxation dated 27<sup>th</sup> February 2024 issued which certificate has neither been set aside nor altered by the court. That the applicant is entitled to interest on the amount of costs in accordance with the provisions of Rule 7 of the Advocates' Remuneration Order.
4. The application was opposed vide the contents of the Replying Affidavit sworn by Eric Ngode on 25<sup>th</sup> March 2025. The Respondent's case is that although it is true that the applicant's costs have been taxed at Kshs.284,144.78, all payments made to the applicant by the Respondent must be set off against the sum taxed as Advocates' costs. The Respondent attached to the Replying Affidavit receipts evidencing the payments. The Respondent deposed further that the applicant did not handle their case to the end.
5. I have considered the application, the grounds in support and the grounds in opposition thereof and the oral submissions made. There is no dispute that the applicant's bill has been taxed and certificate of taxation prepared by the taxing master. The only point of contestation is monies which the Respondent claims to have paid to the applicant before the taxation.  
  
The retainer is not challenged.
6. Counsel for the applicant submitted that the issue of the said money was raised before the taxing master.
7. It appears the Respondent was not satisfied with the taxation which according to them, did not take into account the said monies. The Respondent has however not challenged the taxation. In the circumstances and in view of the fact that no evidence has been placed before court that the Taxing Master failed to take the said monies into account, the court finds that the application has merit and hereby allows it.

Costs of the application to the applicant.

Orders accordingly.

**RULING, DATED AND SIGNED AT KISUMU AND READ VIRTUALLY THIS 30<sup>TH</sup> DAY OF MAY, 2025 THROUGH MICROSOFT TEAMS ONLINE APPLICATION.**

**E. ASATI,**

**JUDGE.**

In the presence of:

Maureen - Court Assistant.

Nyambeki for the Applicant.

Wanyangu h/b for Odogong for the Respondent.

