



**Maengwe t/a GM Maengwe & Company Advocates v Rioki (Environment and Land
Miscellaneous Case E001 of 2023) [2025] KEELC 6131 (KLR) (23 September 2025) (Ruling)**

Neutral citation: [2025] KEELC 6131 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NYAMIRA
ENVIRONMENT AND LAND MISCELLANEOUS CASE E001 OF 2023
DO OHUNGO, J
SEPTEMBER 23, 2025**

BETWEEN

**GEORGE MAENGWE T/A GM MAENGWE & COMPANY
ADVOCATES APPLICANT**

AND

CAROLINE NYAKERARIO RIOKI RESPONDENT

RULING

1. By Notice of Motion dated 10th April 2024 but filed on 10th April 2025, the Applicant seeks the following orders:
 1. That this honorable court be pleased to endorse the certificate of costs issued on 18th January 2024 as Judgment together with interest at 14% from 18th January 2024 until payment is made in full.
 2. That cost of this application be in the cause.
2. The application is stated to be brought under Section 51 (2) of the *Advocates Act* and is supported by an affidavit sworn by George Maengwe, Advocate who is the Applicant. He deposed that he filed an Advocate – Client Bill of Costs in this matter which was taxed at KShs 639,375 on 27th April 2023.
3. The Applicant further deposed that the Respondent filed a reference being Nyamira ELC Misc. No. E001A of 2023 and that the bill of costs was reviewed and re-taxed by the Judge on 14th June 2023 at KShs 119,900 and a certificate of costs re-issued and served upon the Respondent. He urged the Court to grant him judgment for KShs 119,900.
4. The Respondent opposed the application through a Replying Affidavit in which she deposed that although the Judge retaxed the bill at KShs 119,900, advance payments that she had made to the Applicant should be taken into account and be deducted from the amount to be paid. She added



that she had made advance payments of KShs 20,000 as admitted in the bill of costs and KShs 63,480 on various dates. That in the ruling of 14th June 2023, the Court did not award interest and that she had severally written to the Applicant seeking settle the amount due, but the Applicant had been uncooperative.

5. Parties relied entirely on the application and the affidavits on record.
6. I have carefully considered the application and the affidavits on record. Section 51 (2) of the Advocates Act under which the application is brought provides:

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.

7. There is no dispute that the bill of costs was reviewed and re-taxed by the Judge on 14th June 2023 in Nyamira ELC Misc. No. E001A of 2023 at KShs 119,900. There is a certificate of costs on record to that effect, issued on 18th January 2024. The Respondent has not demonstrated payment of the sum specified in the certificate of costs.
8. The Respondent's arguments as to advance payments are the very same arguments that she advanced during the initial taxation which was later reviewed by the Judge. There is nothing new in those arguments. She has not exhibited any copy of a ruling to support her claims that some deductions should be made from the figure specified in the certificate of costs. In terms of Section 51 (2) of the Advocates Act, the certificate of costs is final as to the quantum of costs due.
9. Regarding interest, Section 27 (2) of the Civil Procedure Act provides for interest at any rate not exceeding fourteen per cent per annum. The Applicant has not sought anything beyond that which the law provides. The Respondent must know that she cannot keep delaying payment without incurring interest. She can mitigate her liability on interest by effecting prompt payment.
10. In view of the foregoing discourse, I find merit in Notice of Motion dated 10th April 2024. I therefore make the following orders:
 - a. Judgment is hereby entered in favour of the Applicant and against the Respondent in the sum of KShs 119,900 (One Hundred Nineteen Thousand Nine Hundred) being the Advocate/Client costs specified in the certificate of costs issued on 18th January 2024.
 - b. The Applicant shall have interest on the above sum at 14% from 18th January 2024 until payment is made in full.
 - c. No order as to costs of Notice of Motion dated 10th April 2024.

DATED, SIGNED, AND DELIVERED AT NYAMIRA, THIS 23RD DAY OF SEPTEMBER 2025.

D. O. OHUNGO

JUDGE

Delivered in the presence of:

Mr Rono for the Applicant

Ms Cherono holding brief for Mr Mwita for the Respondent

Court Assistant: B Kerubo

