



Andrew B. Khakula t/a J.S Khakula & Co. Advocates v Trident Insurance Company Limited (Miscellaneous Civil Application E008 of 2023) [2025] KEHC 1253 (KLR) (14 February 2025) (Ruling)

Neutral citation: [2025] KEHC 1253 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
MISCELLANEOUS CIVIL APPLICATION E008 OF 2023
DO CHEPKWONY, J
FEBRUARY 14, 2025**

BETWEEN

ANDREW B. KHAKULA T/A J.S KHAKULA & CO. ADVOCATES APPLICANT

AND

TRIDENT INSURANCE COMPANY LIMITED RESPONDENT

RULING

1. For determination before this court is the Applicant's Notice of Motion Application dated 29th October, 2024, seeking for:
 - a. Judgment in the taxed sum of Kshs. 93,800.00/= be entered against the Respondent.
 - b. The Applicant be awarded interest of 14% per annum from 17th July, 2024, on the judgment sum.
 - c. Costs of this application be provided for.
2. The application is based on the grounds set out on its face and Supporting Affidavit of Dr. Andrew B. Khakula sworn on even date. The gist of the application is that the Respondent has not settled the fixed costs vide a ruling delivered on 17th July, 2024, and a certificate of the same issued.
3. The court directed the application to be served upon the Respondent for a response to be filed and fixed the same for interparte hearing on 31st January, 2025.
4. When the application came up for interpartes hearing on 31st January, 2025, neither the Respondent nor its counsel were in attendance. There was also no representation to explain their absence. This was despite the application and hearing notice having been served upon the Legal Officer for the Respondent on 9th December, 2024, as evidenced by the Affidavit of Service sworn on 10th December, 2024, by Godfrey Paul Okutoyi, a licensed process server.



5. In view of this, the Notice of Motion Application dated 29th October, 2024, is unchallenged/unopposed. Therefore, the said Notice of Motion dated 29th October, 2024, is allowed in the following terms:-
- a. That Judgment in the taxed sum of Kshs. 93,800.00/= be entered against the Respondent.
 - b. That the Applicant be awarded interest of 14% per annum from 17th July, 2024, on the judgment sum.
 - c. That the costs of the application to be borne by the Applicant.

It is so ordered.

RULING DELIVERED, DATED AND SIGNED AT KIAMBU THIS 14TH DAY OF FEBRUARY, 2025. (UPLOADED VIA ELECTRONIC MAIL)

D. O. CHEPKWONY

JUDGE

