



REPUBLIC OF KENYA



**Khakula t/a JS Khakula & Co Advocates v Trident Insurance Company Limited (Miscellaneous Civil Application E007 of 2023) [2025] KEHC 1699 (KLR) (14 February 2025) (Ruling)**

Neutral citation: [2025] KEHC 1699 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
MISCELLANEOUS CIVIL APPLICATION E007 OF 2023  
DO CHEPKWONY, J  
FEBRUARY 14, 2025**

**BETWEEN**

**ANDREW B KHAKULA T/A JS 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 11<sup>th</sup> November, 2024, seeking for:
  - a. Judgment in the taxed sum of Kshs. 51,700.00/= be entered against the Respondent.
  - b. The Applicant be awarded interest of 14% per annum from 16<sup>th</sup> 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 16<sup>th</sup> 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 31<sup>st</sup> January, 2025.
4. When the application came up for interpartes hearing on 31<sup>st</sup> 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 9<sup>th</sup> December, 2024, as evidenced by the Affidavit of Service sworn on 10<sup>th</sup> December, 2024, by Godfrey Paul Okutoyi, a licensed process server.



5. In view of this, the Notice of Motion Application dated 11<sup>th</sup> November, 2024, is unchallenged/ unopposed. Therefore, the said Notice of Motion dated 11<sup>th</sup> November, 2024, is allowed in the following terms:-

- a. That Judgment in the taxed sum of Kshs. 51,700.00/= be entered against the Respondent.
- b. That the Applicant be awarded interest of 14% per annum from 16<sup>th</sup> 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 14<sup>TH</sup> DAY OF FEBRUARY, 2025. (UPLOADED VIA ELECTRONIC MAIL)**

**D. O. CHEPKWONY**

**JUDGE**

