



**A. Thuo Kanai Advocates v Cannon Assurance Limited (Miscellaneous Application 125 of 2013) [2025] KEHC 2786 (KLR) (Commercial and Tax) (14 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 2786 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI COMMERCIAL COURTS)  
COMMERCIAL AND TAX  
MISCELLANEOUS APPLICATION 125 OF 2013**

**BM MUSYOKI, J**

**MARCH 14, 2025**

**BETWEEN**

**A. THUO KANAI ADVOCATES ..... APPLICANT**

**AND**

**CANNON ASSURANCE LIMITED ..... RESPONDENT**

**RULING**

1. The application dated 20-07-2021 to which this ruling relates is similar to applications in miscellaneous applications numbers 329 of 2013 and 126 of 2013. It seeks entry of judgement against the respondent in terms of certificate of taxation dated 8-07-2021. I have made analysis and gave reasons for my rulings in the aforesaid two applications which I hold will apply in this ruling.
2. In the early stages of this cause, there arose dispute on retainer where the respondent took position that the applicant was not entitled to charge fees as he was at the time he represented it in the primary suit, its salaried employee. In her ruling dated 25-06-2013, Honourable D.W. Nyambu, Deputy Registrar held that the applicant was entitled to charge fees. For all intents and purposes this was a clear dispute on retainer and as I have held in the two rulings, the Deputy Registrar did not have jurisdiction to determine the question of retainer as and when it is raised.
3. For the same reasons I have recorded in the rulings in miscellaneous applications numbers 126 of 2013 and 329 of 2013 delivered alongside this one, I decline to enter judgment as prayed because doing so will offend Section 51(2) of the *Advocates Act*. The applicant shall pursue determination of that question before a judge before the application for entry of judgment is considered. I make no orders as to costs.

**DATED SIGNED AND DELIVERED AT NAIROBI THIS 14<sup>TH</sup> DAY OF MARCH 2025.**

**B.M. MUSYOKI**



**JUDGE OF THE HIGH COURT.**

Ruling delivered in presence of Mr. Thuo for the applicant and Mr. Gitonga for the respondent

