



**Chirchir t/a Cheronno Chirchir & Co Advocates v Africa Merchant Assurance Co Ltd (Civil Miscellaneous Application 31 of 2018) [2025] KEHC 3508 (KLR) (19 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 3508 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYERI  
CIVIL MISCELLANEOUS APPLICATION 31 OF 2018**

**DKN MAGARE, J**

**MARCH 19, 2025**

**BETWEEN**

**SOPHIE CHIRCHIR T/A CHERONO CHIRCHIR & CO  
ADVOCATES ..... APPLICANT**

**AND**

**AFRICA MERCHANT ASSURANCE CO LTD ..... RESPONDENT**

**RULING**

1. This is a ruling over a Miscellaneous Application dated 28.9.2021. The Applicant sought relief that judgment be entered for the Applicant against the Respondent in the sum of Kshs. 222,381/= being the sum indicated to have been taxed and certified by the Deputy Registrar on 13.7.2021 as due to the Applicant with interest thereon.
2. The application arose from the Advocate/Client Bill of Costs dated 26.3.2018. Be it as may, the Court has already assessed costs at a specific figure, that is, Ksh. 222,381/=.
3. The application is expressed to be brought under Section 55 (2) of the *Advocates Act*. The proper provision should be Section 51(2) of the *Advocates Act* which provides thus:

Pursuant to the provisions of Section 2 of the *Advocates Act* -

“Client’ includes any person who, as a principal or on behalf of another, or as a trustee or personal representative, or in any other capacity, has power, express or implied, to retain or employ an advocate and any person who is or may be liable to pay an advocate any costs.”



4. As a fact, after filing of the Notice of Motion dated 28.9.2021, there does not appear to be active participation of the Respondent. In the case of *Musyoka & Wambua Advocates v Rustam Hira Advocate* (2006) eKLR it was held: -

“Section 51 of the Act makes general provisions as to taxation, as the marginal note indicates. One of those provisions is that the court has discretion to enter judgment on a Certificate of Taxation which has not been set aside or altered, where there is no dispute as to retainer. This in my view is a mode of recovery of taxed costs provided by law, in addition to filing of suit...

5. The Applicant has done her part, serving the bill of costs. However, there is no evidence that a certificate of taxation was extracted and served. The interest will thus run from the date of the Ruling on taxation which is 30.6.2023. The application is allowed.

#### **Determination**

6. I therefore make the following orders: -

- a. Judgment be and is hereby entered for the Applicant against the Respondent for Ksh. 222,381/  
=
- b. Interest thereon is awarded effective 13.8.2021.

**DELIVERED, DATED AND SIGNED AT NYERI ON THIS 19<sup>TH</sup> DAY OF MARCH, 2025.  
RULING DELIVERED THROUGH MICROSOFT TEAMS ONLINE PLATFORM.**

**KIZITO MAGARE**

**JUDGE**

In the presence of: -

Ms. Mbaabu for the Applicant

No appearance for the Respondent

Court Assistant – Michael

