



REPUBLIC OF KENYA



KENYA LAW
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Gichimu t/a Muhoho Gichimu & Company Advocates v Njithi (Miscellaneous Civil Application E025 of 2023) [2025] KEHC 2756 (KLR) (3 March 2025) (Ruling)

Neutral citation: [2025] KEHC 2756 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
MISCELLANEOUS CIVIL APPLICATION E025 OF 2023**

DKN MAGARE, J

MARCH 3, 2025

BETWEEN

**JOSEPH MUHOHO GICHIMU T/A MUHOHO GICHIMU & COMPANY
ADVOCATES APPLICANT**

AND

ZIPPORAH WANGECHI NJITHI RESPONDENT

RULING

1. This is a ruling over a Miscellaneous Application dated 28.8.2024. The Applicant sought relief that judgment be entered for the Applicant against the Respondent in the sum of Kshs. 198,000/= being the sum taxed and certified by the Deputy Registrar on 26.6.2024 as due to the Applicant with interest thereon.
2. The application arose from the Advocate/Client Bill of Costs dated 14.6.2023. Be it as it may, the Court has already assessed costs at a specific figure, that is, Ksh. 198,000/=.
3. The application is expressed to be brought under Section 51(1) of the *Advocates Act*. The said Section 51(2) of the *Advocates Act* 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 28.8.2023, 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 his part, serving the bill of costs, and other processes. I find no reason to disallow the application. Consequently the application is merited and is allowed.

Determination

6. I therefore make the following orders: -

a. Judgment be and is hereby entered for the Applicant against the Respondent in terms of the Certificate of Costs dated 26.6.2024 for Kshs. 198,000/=.

b. Interest thereon is awarded effective 11.7.2024, being 30 days from the date of the certificate of costs.

DELIVERED, DATED AND SIGNED AT NYERI ON THIS 3RD DAY OF MARCH, 2025.

Ruling delivered through Microsoft Teams Online Platform.

KIZITO MAGARE

JUDGE

In the presence of: -

No appearance for parties

Court Assistant – Michael

M. D. KIZITO, J.

