



Joe Ngigi & Company Advocates LLP v Trident Insurance Company Limited (Miscellaneous Civil Application E023 of 2023) [2025] KEHC 4232 (KLR) (17 March 2025) (Ruling)

Neutral citation: [2025] KEHC 4232 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYERI
MISCELLANEOUS CIVIL APPLICATION E023 OF 2023
DKN MAGARE, J
MARCH 17, 2025**

BETWEEN

JOE NGIGI & COMPANY ADVOCATES LLP APPLICANT

AND

TRIDENT INSURANCE COMPANY LIMITED RESPONDENT

RULING

1. This is a ruling over a Miscellaneous Application dated 8.8.2024. The Applicant sought relief that judgment be entered for the Applicant against the Respondent in the sum of Kshs. 23,445/= being the sum taxed and certified by the Deputy Registrar on 25.7.2024 as due to the Applicant with interest thereon.
2. The application arose from the Advocate/Client Bill of Costs dated 7.6.2023. Be it as may, the Court has already assessed costs at a specific figure, that is, Ksh. 23,445/=.
3. The application is expressed to be brought under Section 51 (2) 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 8.8.2024, there does not appear to be active participation of the Respondent. In the case of Musyoka & Wambua Advocates v RustamHira 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.

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 25.7.2024 for Ksh. 23,445/=.
- b. Interest thereon is awarded effective 25.8.2024.

DELIVERED, DATED AND SIGNED AT NYERI ON THIS 17TH DAY OF MARCH, 2025.
Judgment delivered through Microsoft Teams Online Platform.

KIZITO MAGARE

JUDGE

In the presence of: -

Mr. Obwoche for the Applicant

No appearance for the Respondent

Court Assistant – Michael

