



Joe Ngigi & Co Advocates LLP v Trident Insurance Co. Limited (Miscellaneous Civil Application E013 of 2024) [2025] KEHC 4818 (KLR) (11 March 2025) (Ruling)

Neutral citation: [2025] KEHC 4818 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIVASHA
MISCELLANEOUS CIVIL APPLICATION E013 OF 2024
GL NZIOKA, J
MARCH 11, 2025**

BETWEEN

JOE NGIGI & CO ADVOCATES LLP APPLICANT

AND

TRIDENT INSURANCE CO. LIMITED RESPONDENT

RULING

1. By a notice of motion application dated 6th August 2024, the applicant is seeking for the following orders: -
 - a. That judgment be entered in favour of the Applicant against the respondent for the sum of Kenya Shillings One Hundred and Thirty-Seven Thousand, Three Hundred and Ninety-Two Shillings (Kshs 137,392/-) only being the certified costs due to the applicant as against the respondent.
 - b. That the respondent does pay to the applicant the costs of this application together with interest on the taxed sum.
2. The application is based on the provisions of section 51(2) of the Advocate Act, (Cap 16) Laws of Kenya. It is supported by the grounds on thereto and the affidavit sworn by Joseph N. Ngigi of the even date. He avers that the respondent instructed the law firm of Joe Ngigi & Co. Advocates LLP to act for the defendant in a suit CMCC No. 130 of 2021 Gideon Mungai Kagwania –vs- Judy Makena Riungu & another at the Chief Magistrate’s court at Naivasha.
3. That the applicant acted on the instructions but the respondent has failed to pay its legal fees, after taxation in the sum of Kshs 137,392.00 as evidenced by the certificate of taxation. Furthermore, there is no appeal against and/or an application to set aside the certificate of taxation.



4. That in the circumstances it is only fair and just that, the judgment sought for herein be entered as prayed.
5. The application was considered on 16th September 2024 and the court ordered that, it be served for a response and scheduled the hearing to 23rd October 2024. On that date there were no parties in court and it was stood over 25th November 2024, when the court was notified that, a return of service had been filed in proof of service of the hearing notice upon the respondent who were absent, but the subject affidavit of service was not available to the court. The matter was stood over to 4th December 2019.
6. On the material date, the respondent was absent but evidence in form of an affidavit of service was provided to prove they were aware of the hearing date.
7. Consequently, the respondent having failed to respond to the application, it is treated as unopposed. In considering the same I note that, the provisions of section 51(2) of the Advocates Act, relied on states as follows: -

The certificate of a taxing officer by whom it has been taxed shall, unless it is set aside or altered by the court, be final as to the amount of costs covered thereby, and the court may make such order in relation thereto as it thinks fit, including in a case where the retainer is not disputed, an order that judgment be entered for the sum certified to be due with costs.

8. Pursuant to the aforesaid, I allow the application in terms of prayers (1) and (2). However, there is no evidence from the documents annexed to the supporting affidavit that, the certificate of taxation and/or demand for payment of the subject sum was made to the respondent. Consequently, interest on the judgment sum runs from the date of this order.
9. It is so ordered.

DATED, DELIVERED AND SIGNED ON THIS 11TH DAY OF MARCH 2025.

GRACE L. NZIOKA

JUDGE

In the presence of:

Ms. Kering for the applicant

N/A for the respondent

Ms. Hannah: court assistant

