



REPUBLIC OF KENYA



**Ombuna Ongeri & Comapny Advocates v Trident Insurance (Civil Miscellaneous E719 of 2018) [2025] KEHC 4776 (KLR) (Civ) (20 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 4776 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

**CIVIL  
CIVIL MISCELLANEOUS E719 OF 2018**

**TW CHERERE, J**

**MARCH 20, 2025**

**BETWEEN**

**OMBUNA ONGERI & COMAPNY ADVOCATES ..... APPLICANT**

**AND**

**TRIDENT INSURANCE ..... RESPONDENT**

**RULING**

1. By a notice of motion dated 09<sup>th</sup> September 2024 brought under Section 51 (2) of the *Advocates Act* Cap 16 Laws of Kenya (hereinafter referred to as the Act), Rule 7 of the *Advocates (Remuneration) Order* and Section 3A of the *Civil Procedure Rules*, the Applicant, a firm of advocates prays for orders:
  1. That judgment be entered in favour of the Applicant against the Respondent for the sum of Kenya Shillings ninety-eight thousand, one hundred ninety-four (KES. 98,194) as taxed and certified
  2. That the Applicant be awarded interest at the rate of 14% per annum from 18<sup>th</sup> February 2019
  3. Costs of the application
2. The motion is premised on the grounds the Applicant was retained by the Respondent to act for the defendant in Milimani CMCC 276 of 2014 but the Respondent has refused, failed and/or neglected to settle the taxed advocate's fees.
3. The application is supported by an affidavit sworn by Robert Ongeri on 09<sup>th</sup> September 2024 in which he reiterates the grounds on the face of the application. Annexed to the affidavit is the letter of instructions by the Respondent dated 03<sup>rd</sup> April, 2014, the Applicant's bill of costs dated 20<sup>th</sup> December 2018 and certificate of taxation for the sum of KES. 98,194, dated 31<sup>st</sup> March 2023.



4. When the application came for hearing on 13<sup>th</sup> March 2025, the Respondent, though served on 18<sup>th</sup> February 2025 neither filed a response to the application nor sent a representative. The application is therefore unopposed.
5. Section 51 of the Act makes general provisions for entry of judgment on a Certificate of Taxation which has not been set aside or altered where there is no dispute as to retainer.
6. In the present case, there is no allegation that the Applicant had no instructions to act for the client in Milimani CMCC 276 of 2014 for which costs were taxed. The Certificate of Taxation dated 31<sup>st</sup> March 2023 has neither been set aside nor altered and I see no reason to deny the Applicant, judgment as sought.
7. Paragraph 7 of the Advocates (Remuneration) Order states that: -

“an Advocate may charge interest at 14% on his disbursements and costs, whether by scale or otherwise, from the expiration of one month from the delivery of his Bill to the Client, provided that such interest is raised before the amount of the bill shall have been paid and tendered in full.”
8. By an affidavit of service sworn by Ayienda Dennis Ongeru on 20<sup>th</sup> May 2019, there is evidence that the bill of costs was served and received by the Respondent on 18<sup>th</sup> January 2019. Interest is therefore payable from 18<sup>th</sup> February 2019.
9. The upshot of this is that the notice of motion dated 09<sup>th</sup> September 2024 succeeds and is allowed in the following terms:
  1. Judgment is hereby entered for the Applicant against the Respondent for the sum of Kenya Shillings ninety-eight thousand, one hundred ninety-four (KES. 98,194)
  2. The Applicant be awarded interest at the rate of 14% per annum from 18<sup>th</sup> February 2019
  3. Applicant is also awarded the costs of the application

**DELIVERED AT NAIROBI THIS 20<sup>th</sup> DAY OF MARCH 2025**

**WAMAE.T. W. CHERERE**

**JUDGE**

Appearances:-

Court Assistant - Ubah

For Applicant - Ms. Kemunto for Ombuna Ongeru & Co. Advocates

For Respondent - N/A

