



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
Where Legal Information is Public Knowledge

**Ombuna Ongeri & Company Advocates v Trident Insurance (Civil Miscellaneous
E717 of 2018) [2025] KEHC 4777 (KLR) (Civ) (20 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 4777 (KLR)

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

**CIVIL
CIVIL MISCELLANEOUS E717 OF 2018**

TW CHERERE, J

MARCH 20, 2025

BETWEEN

OMBUNA ONGERI & COMPANY ADVOCATES APPLICANT

AND

TRIDENT INSURANCE RESPONDENT

RULING

1. By a notice of motion dated 09th September 2024 brought under Section 51 (2) of the *Advocates Act* Cap 16 Laws of Kenya (hereinafter referred to as the Act), paragraph 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 one hundred forty-five thousand, nine hundred fifty (KES. 145,950) as taxed and certified
 2. That the Applicant be awarded interest at the rate of 14% per annum from 18th 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 911 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 09th 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 02nd April 2014, the Applicant's bill of costs dated 20th December 2018 and the Certificate of Taxation for the sum of KES. 145,950, dated 30th June 2023.



4. When the application came for hearing on 13th March 2025, the Respondent, though served on 18th 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 entering judgment on a Certificate of Taxation that 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 Respondent's client in Milimani CMCC 911 OF 2014 for which costs were taxed. The Certificate of Taxation dated 30th June 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 10th July 2019, there is evidence that the bill of costs was served and received by the Respondent on 24th June 2019. Interest is therefore payable from 24th July 2019.
9. The upshot of this is that the notice of motion dated 09th 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 one hundred forty-five thousand, nine hundred fifty (KES. 145,950)
 2. The Applicant is awarded interest at the rate of 14% per annum from 24th July 2019
 3. Applicant is also awarded the costs of the application

DELIVERED AT NAIROBI THIS 20TH 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

