



Samuel Gitonga & Associates v Monarch Insurance Company Limited (Commercial Case E006 of 2023) [2025] KEHC 3264 (KLR) (11 March 2025) (Ruling)

Neutral citation: [2025] KEHC 3264 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
COMMERCIAL CASE E006 OF 2023
DO CHEPKWONY, J
MARCH 11, 2025**

IN THE MATTER OF: THE ADVOCATES ACT CAP 16 LAWS OF KENYA

AND

THE ADVOCATES REMUNERATION ORDER, 2014

AND

IN THE MATTER OF: THE ADVOCATES (REMUNERATION) (AMENDMENT)

ORDER, 2014

AND

IN THE MATTER OF: THE ADVOCATES-CLIENT BILL OF COSTS

BETWEEN

SAMUEL GITONGA & ASSOCIATES APPLICANT

AND

MONARCH INSURANCE COMPANY LIMITED RESPONDENT

RULING

1. Vide a Notice of Motion application dated 16th January, 2025, the Applicant, Samuel Gitonga & Associates has sought for orders that:-
 - a. Judgment and Decree be entered for the sum of Kshs.142,972.00 as taxed and certified by the Deputy Registrar as due to the Applicant.
 - b. The Applicant be at liberty to execute against the Respondent.
 - c. The costs of the application be borne by the Respondent.



2. The application is based on the grounds set out on its face and Supporting Affidavit sworn by Brian Olunga Mung'au, counsel for the Applicant on even date, wherein the gist of it being that the Advocate-Client Bill of Costs was heard and taxed by the Deputy Registrar at a sum of Kshs.142,972.00 and a Certificate of Taxation issued. However, no reference has been filed seeking to review, vary or set aside the ruling thereof and the Respondents have failed, neglected and/or refused to settle the same.
3. The application and mention Notice were served upon the Respondents on 11th February, 2025 as evidenced by an Affidavit of Service sworn by Jackson Muthoka Mutunga on the same date. Despite service, the Respondents have neither filed a response to the application nor attended court to respond to it.
4. Therefore, the Notice of Motion application dated 16th January, 2025 is unchallenged and the court proceeds to allow the same in the following terms:-
 - a. Judgment and Decree be and is hereby entered for the sum of Kshs.142,972.00 as taxed and certified by the Deputy Registrar as due to the Applicant.
 - b. The Applicant be at liberty to execute against the Respondent.
 - c. The costs of this application to be borne by the Respondent.

It is so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 11TH DAY OF MARCH, 2025.

D. O. CHEPKWONY

JUDGE

In the presence of:

M/S Watai holding brief for Mr. Olunga counsel for Applicant

No appearance by and for Respondent

Court Assistant – Martin/Kinyua

