



**Kinyua & Maingi Advocates v Trident Insurance Company Limited (Miscellaneous Application E076 of 2023) [2025] KEHC 4231 (KLR) (2 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 4231 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MACHAKOS  
MISCELLANEOUS APPLICATION E076 OF 2023**

**RC RUTTO, J**

**APRIL 2, 2025**

**BETWEEN**

**KINYUA & MAINGI ADVOCATES ..... APPLICANT**

**AND**

**TRIDENT INSURANCE COMPANY LIMITED ..... RESPONDENT**

**RULING**

1. The applicant's Notice of Motion dated 18<sup>th</sup> December 2023 has invoked section 51 (2) of the *Advocates Act* and seeks the following reliefs:
  1. That judgment be entered in favor of the applicant against the respondent for the sum of Kenya Shillings one hundred and three thousand five hundred and fifty shillings only (Kshs.103,550.00) being the certified costs due to the applicant as against the respondent;
  2. That the respondent does pay to the applicant the cost of this application together with interest on the taxed sum.
2. The application is supported by the grounds on the body of the Motion and the supporting affidavit of Anne N. Kinyua, an advocate practicing in the nature and style of the applicant. The gist of the Motion is that the respondent instructed the applicant firm to come on record and act for the respondent it in Machakos SCCC No. E499 of 2022; Sarah Katuku Mbwika vs. Joseph Kiragu Ndegwa. The applicant contended that in spite of rendering its legal services, the respondent failed to pay legal fees. Consequently, the applicant filed its bill of costs dated 4<sup>th</sup> May 2023. The same was taxed on 9<sup>th</sup> November 2023 at Kshs. 103,550.00 and a Certificate of Taxation issued on 6<sup>th</sup> December 2023.
3. The applicant urged this court to allow the application as the Certificate of Taxation has not been appealed, set aside or altered by any court. In addition, in spite of being served with the Certificate of Taxation, the respondent has never settled that sum.



4. The application was unopposed. During its hearing on 3<sup>rd</sup> February 2025, the applicant satisfied this court that the respondent was properly served with the application. In the absence of the respondent, the applicant submitted that the application was merited. It prayed that the same be allowed.
5. Section 51 (2) of the *Advocates Act* provides:

“The certificate of the taxing officer by whom any bill has been taxed shall, unless it is set aside or altered by the Court, be final as to the amount of the 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.”
6. The taxing master’s ruling dated 9<sup>th</sup> November 2023 taxed the applicant’s advocate-client Bill of Costs at Kshs.103,550.00. A Certificate of Taxation dated 6<sup>th</sup> December 2023 was issued. There is no evidence that the decision has been challenged by way of reference, varied or set aside. The application is merited.
7. Accordingly, judgment is entered in favor of the applicant in the sum of Kshs.103,550.00 as against the respondent. The applicant shall also be awarded costs of this application and interest therein at the rate of 14% from the date the bill of costs dated 4<sup>th</sup> May 2023 was taxed, that is to say from 9<sup>th</sup> November 2023, until payment in full.
8. It is so ordered.

**DATED AND DELIVERED AT MACHAKOS THIS 2<sup>ND</sup> DAY OF APRIL 2025.**

**RHODA RUTTO**

**JUDGE**

In the presence

Ms Kinyaa for the Applicant

Sam Court Assistant

