



**Nyagol v Kweya (Miscellaneous Application E026 of 2024)  
[2025] KEHC 6398 (KLR) (3 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 6398 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS APPLICATION E026 OF 2024**

**JM OMIDO, J  
APRIL 3, 2025**

**BETWEEN**

**JUDITH A NYAGOL ..... ADVOCATE**

**AND**

**PHILIP WABUKO KWEYA ..... CLIENT**

**RULING**

1. This ruling results from the Advocate/Applicant's Notice of Motion dated 17<sup>th</sup> January, 2025, brought Section 51(2) of the *Advocates Act*, Cap 16 Laws of Kenya and Rule 7 of the *Advocates (Remuneration) (Amendment Order)* and Section 3A of the *Civil Procedure Act* and seeks the following orders:
  - a. That the Advocate/Applicant's bill of costs taxed at Ksh.96,483/- arising from Winam Criminal Case No. E249 of 2022; *Republic v Philip Wabuko Kweya* be deemed judgement of this Honourable Court.
  - b. That upon grant of prayer (a) above, interest does accrue on the taxed costs at court rates from 16<sup>th</sup> September, 2024 till payment in full.
  - c. That the costs of this application be provided for.
2. The grounds upon which the application is premised are in precis that the Respondent instructed the Appellant to act for him in Winam Criminal Case No. E249 of 2022; *Republic v Philip Wabuko Kweya* and that the Applicant professionally executed the Respondents instructions.
3. The Respondent subsequently failed to settle the Applicant's legal fees which then resulted in the Applicant filing its bill of costs that was subsequently taxed by the Taxing Master at Ksh.96,483/- and a Certificate of Taxation of Costs issued to that effect on 16<sup>th</sup> September, 2024. The costs remain unsettled.



4. The application is supported by the affidavit of Judith A. Nyagol, Advocate, the Applicant herein, sworn on 17<sup>th</sup> January, 2025. The affidavit, to which is annexed inter alia the Certificate of Taxation of Costs, expounds on the above grounds.
5. Service of the application and the hearing notice thereof was effected upon the Respondent to the satisfaction of this court. The Respondent did not respond to the Motion and the application thus proceeded as unopposed.
6. Having perused the application, the affidavit in support thereof and the record in its entirety, I am satisfied that the Applicant has demonstrated that she was instructed by and represented the Respondent in the above matter and that the Applicant's costs as determined by the Taxing Master remain unsettled.
7. Having said as much, the application has merit and I will proceed to allow it in the following terms:
  - a. That judgement is hereby entered in favour of the Applicant against the Respondent for the sum of Ksh.96,483/- as per the Certificate of Taxation of Costs issued herein dated 16<sup>th</sup> September, 2024.
  - b. That the above sum of Ksh.96,483/- shall attract interest at the rate of 14% per annum from 16<sup>th</sup> September, 2024 until payment in full.
  - c. That as the Notice of Motion dated 17<sup>th</sup> January, 2025 was not opposed, I make no orders as to costs in respect thereof.

**DELIVERED (VIRTUALLY), DATED AND SIGNED THIS 3<sup>RD</sup> DAY OF APRIL, 2025.**

**JOE M. OMIDO**

**JUDGE**

For The Applicant: Ms. Nyagol.

For The Repondent: No Appearance.

Court Assistant: Mr. Ngoge & Mr. Juma.

