



**Benard O Akang'o Advocate v Trident Insurance Company Limited (Miscellaneous Civil Case E104 of 2024) [2025] KEHC 8089 (KLR) (9 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 8089 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIVASHA  
MISCELLANEOUS CIVIL CASE E104 OF 2024**

**GL NZIOKA, J**

**JUNE 9, 2025**

**BETWEEN**

**BENARD O AKANG'O ADVOCATE ..... APPLICANT**

**AND**

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

**RULING**

1. By a notice of motion dated 13<sup>th</sup> December 2024 brought under the provisions of section 1A,1B and 3A of the *Civil Procedure Act*, Section 51(2) of the *Advocates Act* Chapter 16 Laws of Kenya, Rule 7 of the *Advocates Remuneration Order*, 2009 and Order 50 Rule 1 of *Civil Procedure Rules*, the applicant is seeking for the following orders
  - a. That judgment be entered for the Applicant against the Respondent for Kshs 286,103/= being taxed and certified costs as per the Certificate of taxation issued on 4<sup>th</sup> December 2024 plus interest thereon as from 16<sup>th</sup> September, 2024 when the Bill of Costs was served upon the Respondent
  - b. That the Applicant be at liberty to execute against the Respondent
  - c. That the costs of this application be borne by the Respondent
2. The application is based on the ground thereto and the affidavit of Benard O. Akang'o an Advocate of the High Court of Kenya who is seized of this matter.
3. He avers that: -
  - a. That the Respondent procured the Applicant's firm to render legal services in Naivasha CMCC 444 of 2019.



- b. That the Advocate-Client Bill of Costs was taxed and certified at Kshs 286,103/= after the finalization of the matter.
  - c. That there is no alteration to the certification of taxation neither was it disputed.
  - d. That it is therefore fair and just that the orders sought herein be granted
4. The application was considered by the court on 21<sup>st</sup> January 2025 and ordered it to be served for directions inter parties. It was stood over to 13<sup>th</sup> February 2025 for further orders.
  5. By an affidavit of service dated 23<sup>rd</sup> January 2025 the court was notified that the respondent had been served for appearance on 13<sup>th</sup> February 2025.
  6. However, when the matter was heard on 13<sup>th</sup> February 2025 the respondent was not in court. Consequently, it was fixed for judgment on 7<sup>th</sup> April 2025, but for reasons on record, it was adjourned to 27<sup>th</sup> May 2025 and then to 4<sup>th</sup> June 2025. In the absence of a response, the application is basically unopposed.
  7. In considering the same I note that the provisions of section 51(2) of the *Advocates Act* states: -

“The certificate of a taxing officer by whom it has been taxed shall, unless it is set aside or altered by the court, be final as to the amount of 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.”
  8. In the instant matter I note that, the applicant has not annexed to the affidavit in support of the application any evidence to prove that there was any bill of costs taxed and that a decision was rendered thereon. Furthermore, the certificate of taxation referred to has not been availed. Therefore, the court cannot allow the application as prayed. The costs be in the cause.

**DATED, DELIVERED AND SIGNED THIS 9<sup>TH</sup> DAY OF JUNE 2025**

**GRACE L. NZIOKA**

**JUDGE**

In the presence of:

Mr. Akang'o for the applicant

Court assistant- Hannah

