



REPUBLIC OF KENYA



KENYA LAW
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DW Muyundo & Associates Advocates v Sports Kenya (Civil Miscellaneous Application E033 of 2023) [2025] KEHC 8411 (KLR) (16 June 2025) (Ruling)

Neutral citation: [2025] KEHC 8411 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CIVIL MISCELLANEOUS APPLICATION E033 OF 2023
DO CHEPKWONY, J
JUNE 16, 2025**

BETWEEN

DW MUYUNDO & ASSOCIATES ADVOCATES APPLICANT

AND

SPORTS KENYA RESPONDENT

RULING

1. What is before the court for determination is the Notice of Motion application dated 17th September, 2024 seeking the following orders:
 - a. That the court be pleased to order that the certificate of costs issued to the Applicant, as against the Respondent, be converted into a judgment and decree of this court.
 - b. That pursuant to prayer No.(1) above the Honorable Court be pleased to enter judgment/decree for the Applicant against the Respondent for Kenya shillings One Million One hundred and Forty Five Thousand Two Hundred and Thirty Six and Seventy Five Cents only (Kshs 1,145,236.75/=).
 - c. That interest be provided for at 14% per annum from 14th January, 2017 until payment in full.
 - d. That the cost of the Application be awarded to the Applicant.
2. The application is based on the grounds as set out on its face and the Supporting Affidavit of Donald W. Muyundo sworn on the instant date. The Application was served upon the Respondent and an Affidavit of Service duly sworn by Joel Velela Mwanzia was filed on 27th May, 2025 to confirm that service was effected but the Respondent has not file any response. However, the court still has to consider the merits of the application.
3. The Applicant holds that his firm represented the Respondent but it has failed to pay his legal fees. The Applicant then filed a Bill of Costs and vide a Ruling dated 11th July , 2024, the Deputy Registrar



assessed the same at Kshs. 1,145,236.75/= and a certificate of Taxation dated 13th September, 2024 was issued to that effect.

4. It is trite law that once the Taxing Officer taxes costs and issues a Certificate of Taxation but no reference is filed by the opposing party seeking to set it aside or even alter it, then this court's duty against it/him/her shall be to enter Judgment in terms of the Certificate. On this, the court is guided by the decision of Lubulellah & Associates, Advocates –vs- N. K. Brothers Limited [2014] eKLR, where the Court stated as follows:-

“The law is very clear that once a taxing master has taxed the costs, issued a Certificate of costs and there is no reference against his ruling or there has been a ruling and a determination made and not set aside and/or altered, no other action would be required from the court save to enter judgment. An applicant is not required to file suit for the recovery of costs. The certificate of costs is final as to the amounts of the costs and the court would be quite in order to enter judgment in favour of the Applicant against the Respondent herein for the taxed sum indicated in the Certificate of Taxation that was issued on 25th November 2012.”

5. In the instant case, the court finds that the application herein has met the legal threshold required and the same is allowed in the following terms:-
 - a. That Judgment be and is hereby entered in favour of the Applicant against the Respondent for the sum of Kenya Shillings One Million, One Hundred and Forty Five Thousand, Two Hundred and Thirty Six plus Seventy Five Cents/= (Kshs.1,145,236.75) being the assessed costs due to the Applicant as against the Respondent.
 - b. That the Respondent to pay the Applicant the costs of this application together with interest on the assessed amount at 14% per annum from 11th July, 2024 until payment in full.

It is so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 16TH DAY OF JUNE , 2025.

D. O. CHEPKWONY

JUDGE

In the presence of:

Mr. Muyundo counsel for Advocates

Court Assistant - Martin

