



Erick Ntabo & Company Advocates v Trident Insurance Company Limited (Miscellaneous Civil Case E048, E050, E051, E052, E053, E055, E056, E058, E060, E061, E062, E063, E065, E067, E068, E069, E070, E071, E072, E073, E074, E075, E076, E078, E080 & E081 of 2024 (Consolidated)) [2025] KEHC 8088 (KLR) (5 June 2025) (Ruling)

Neutral citation: [2025] KEHC 8088 (KLR)

REPUBLIC OF KENYA

IN THE HIGH COURT AT NAIVASHA

MISCELLANEOUS CIVIL CASE E048, E050, E051, E052, E053, E055, E056, E058, E060, E061, E062, E063, E065, E067, E068, E069, E070, E071, E072, E073, E074, E075, E076, E078, E080 & E081 OF 2024 (CONSOLIDATED)

GL NZIOKA, J

JUNE 5, 2025

BETWEEN

ERICK NTABO & COMPANY ADVOCATES APPLICANT

AND

TRIDENT INSURANCE COMPANY LIMITED RESPONDENT

RULING

1. By a notice of motion application dated 20th February 2025, brought under Order 51 Rule 1 of the Civil Procedure Rules, section 51(2) of the *Advocates Act* (Chapter 16) Laws of Kenya and all other enabling provisions of the law the applicant is seeking for the following orders: -
 - a. That this Honourable court be pleased to consolidate this matter with Naivasha High Court Miscellaneous Application numbers E050, E051, E052, E053, E055, E056, E058, E060, E061, E062, E063, E065, E067, E068, E069, E070, E071, E072, E073, E074, E075, E076, E078, E080 & E081 all of 2024
 - b. That upon prayer (a) above being granted this Honourable Court be pleased to enter judgment in favour of the applicant for the consolidated certificates of taxation in the sum of Kshs 2,133,931
 - c. That upon prayer (b) above being granted this honourable court be pleased to issue a decree forthwith.
 - d. That the respondent do pay to the applicant the costs of this application together with interest from the date of ruling.



2. The application is based on the following grounds; -
 - a. The suit herein and Naivasha High Court Miscellaneous Applications numbers E050, E051, E052, E053, E054, E055, E056, E058, E060, E061, E062, E063, E065, E067, E068, E069, E070, E071, E072, E073, E074, E075, E076, E077, E078, E079, E080 & E081 all of 2024 relate to the same parties and a similar cause of action.
 - b. That the applicant filed his Advocate-Client Bill of Costs in this matter alongside Naivasha High Court Miscellaneous Applications numbers E050, E051, E052, E053, E055, E056, E058, E060, E061, E062, E063, E065, E067, E068, E069, E070, E071, E072, E073, E074, E075, E076, E078, E080 & E081 all of 2024.
 - c. That the said Bills of costs were taxed at a consolidated amount of Kshs 2,133,931.00 in favour of the applicant as against the respondent and certificates of taxation issues to that effect.
 - d. That the respondent has neglected, refused and or failed to settle the taxed costs despite being served on 7th October 2024 with various certificate of costs.
 - e. That the taxed bills remain unchallenged as no reference has been filed against them.
 - f. That there is no dispute that the respondent retained the applicant in the consolidated matters as their Advocates, and which gave rise to the Advocate-Client's Costs taxed herein
 - g. That it is only fair and just in the circumstances that the judgment be entered for a consolidated sum Sic Kenya Shillings Two Million One Hundred and Thirty Three Thousand Nine Hundred Thirty One (Kshs 2,133,931.00) only and a decree of the court be issued.
 - h. That this application is made in the interest of justice.
3. The application was further supported by the affidavit sworn by Erick Nyarangi Ntabo, an Advocate in the applicant's firm. The contents thereof mirror the grounds in support of the application.
4. Be that as it were on hearing the application the court on 28th April 2025 ordered the application be served and canvassed orally on 4th June 2025. The respondent was to be served. On 4th June 2025 the court was informed that the respondent had been served but was absent.
5. Pursuant to the aforesaid, the court fixed the matter for judgment deeming the application as unopposed.
6. Having considered the entire matter, I note that, in all the subject files there is evidence of certificates of taxing. In addition in matters Miscellaneous E050, E056, E065, E064, E069, E070, E076, E081, copies of the ruling of the taxing master have been availed
7. Further, the provisions of section 51(2) of *Advocates act*, provides as follows: -

“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. Pursuant thereto, it is evident, that there is no dispute on the retainer and neither is there any reference on the decision of the taxing master and/or the same having been set aside. I consequently allow the application in terms of prayer (1) and (2) thereof. The issue of a decree is a process to be undertaken upon entry of judgment and does not require a court order.



9. As regards interest, the same is payable one (1) month from the date when the respondent was notified of the taxed as provided for in Rule 7 of the Advocates Remuneration Order which states:-

“An advocate may charge interest at 14 per cent per annum on his disbursements and costs, whether by scale or otherwise, from the expiration of one month from the delivery of his bill to the client, provided that such claim for interest is raised before the amount of the bill shall have been paid or tendered in full.”

10. In the instant matter the applicant has annexed to the application certificates of taxation. There is no evidence that, the same have been served upon the respondent and not paid, as a result interest will accrue from date of this ruling until payment in full. The costs of this application are awarded to the applicant.

11. It is so ordered

Dated, delivered and signed this 5th day of June 2025

GRACE L. NZIOKA

JUDGE

In the presence of

Ms Omolo for applicant

N/A for respondent

Komen- Court assistant

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