



REPUBLIC OF KENYA



Joe Ngigi & Co Advocates LLP v Trident Insurance Co Ltd (Miscellaneous Civil Application E181 of 2023) [2025] KEHC 8082 (KLR) (9 June 2025) (Ruling)

Neutral citation: [2025] KEHC 8082 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIVASHA
MISCELLANEOUS CIVIL APPLICATION E181 OF 2023**

GL NZIOKA, J

JUNE 9, 2025

BETWEEN

JOE NGIGI & CO ADVOCATES LLP APPLICANT

AND

TRIDENT INSURANCE CO LTD RESPONDENT

RULING

1. By a notice of motion dated 25th October 2024 brought under section 1A, 1B, 3 and 3A of the [Civil Procedure Act](#), Order 3 Rule 5, and Order 51 Rule 1 of the Civil Procedure Rules and all other enabling provisions of the law, the applicant is seeking for the following orders
 - a. That the Honourable Court be pleased to issue an order consolidating this matter with Naivasha HCCMISC APP No. E014 of 2024
 - b. That Judgment be entered herein in favour of the applicant against the respondent for an all-inclusive sum of Kshs 310,592 only being the certified costs in Naivasha HCCMISC No. E181 of 2023 (Kshs 176,100) and Naivasha HCCMISC No. E014 of 2024 (Kshs 134,492), due to the applicant as against the respondent.
 - c. That the respondent does pay to the applicant to costs of this application together with interest on the taxed sum from the date of taxation.
2. The application is based on the following grounds and supported by the affidavit of Erick M. Kinoti and on further or other grounds to be adduced at the hearing hereof that: -
 - a. That the above captioned miscellaneous suits arose from the same cause of action being taxation matters in which the applicant herein filed Advocate/Client Bill of Costs seeking compensation from the respondent for having failed to pay the applicant's legal fees.



- b. That this matter is thus related to Naivasha HCCMISC APP. No. E014 of 2024 as they all arose from the same cause of action being non-payment of legal fees and was filed by the same applicant against the same respondent.
 - c. That the aforementioned cases the matters were duly taxed by the Taxing Master and certificate of taxation issued to that effect.
 - d. That the said suits therefore involve similar questions of fact and/or law.
 - e. That it is thus in the interest of justice that the said suit be consolidated with the present one for purposes of hearing and determination.
 - f. That it is in the interest of time and other related factors that the applicant seeks for these matters to be dealt with jointly.
 - g. That it is in the best interest of justice that the application be allowed as prayed
3. Upon considering the application the court directed that it be heard orally on 22nd October 2024. On that date the court was informed that, the respondent had been served but was absent. However, noting the matter was related to HCCMISC E014 of 2024 the court ordered both be and were subsequently consolidated.
 4. On 12th February 2025 the court was informed that the respondent was served but was absent. However, the court noted a replying affidavit dated 30th January 2025 sworn by James Onjoro a legal officer of the respondent's company. In a nutshell the respondent stated it had made a down payment of Kshs. 47,500 vide cheque number 017485 dated 2nd February 2021 which should be deducted from to the sum of Kshs. 310,529 leaving a balance of Kshs. 263,092. That, on a without prejudice basis the applicant is entitled to a sum of Kshs. 263,092, which the Garnishee can set aside from the respondent's pay bill.
 5. The matter was stood over to 2nd April 2025 for oral hearing but the respondent did not appear in court and the oral hearing was dispensed with and matter set down for ruling.
 6. Having considered materials availed I note a letter dated 15th September 2021 in which the respondent instructed the applicant to represent it in matter Naivasha CMCC No. 408 of 2021. Also provided is a certificate of taxation dated 12th July 2024 issued in Miscellaneous Application No. E181 of 2023, in the sum of Kshs 176,100 and a certificate of taxation of even date issued in Miscellaneous Application No. E014 of 2024 the sum of Kshs 134,492
 7. Notably the said certificates have not been set aside and/or varied. In the same vein the retainer is not disputed. The provisions of section 51(2) of *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. As regards interest on the taxed amount, there is no evidence the taxed amount was requested for the request declined. Interest is awarded from date of this order.
 9. The applicant will also have costs of this application.

DATED, DELIVERED AND SIGNED THIS 9TH DAY OF JUNE 2025



GRACE L. NZIOKA

JUDGE

Ruling delivered virtually in absence of the parties

