



Magatta & Associates v Trident Insurance Company Limited (Miscellaneous Application E138, E129, E130, E131, E132, E133, E134, E135, E136, E137 & E085 of 2024 (Consolidated)) [2025] KEHC 9840 (KLR) (20 June 2025) (Ruling)

Neutral citation: [2025] KEHC 9840 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIVASHA
MISCELLANEOUS APPLICATION E138, E129, E130, E131, E132,
E133, E134, E135, E136, E137 & E085 OF 2024 (CONSOLIDATED)**

GL NZIOKA, J

JUNE 20, 2025

BETWEEN

MAGATTA & ASSOCIATES ADVOCATE

AND

TRIDENT INSURANCE COMPANY LIMITED CLIENT

RULING

1. By a notice of motion application dated June 5, 2025, brought under the provisions of Section 51(2) of *Advocates Act* (Cap 16) Laws of Kenya, Section 27(2) of the *Civil Procedure Act* (CapC 21) Laws of Kenya and Order 51 Rule 1 of the Civil Procedure Rules, the applicant is seeking for the following orders:
 - a. That this Honourable Court be pleased to enter judgment for the applicant against the respondent for Ksh71,194.60 only pursuant to the Certificate of Costs dated 7th November, 2024 with interest thereon at court rates until full payment.
 - b. That order (a) above shall apply mutatis mutandis to all consolidated matters specifically Naivasha HCMISC Application No(s). E129/2024, E130/2024, E131/2024, E132/2024, E133/2024, E134/2024, E135/2024, E136/2024 and E137/2024
 - c. That this Honourable Court be pleased to enter judgment for the applicant against the respondent for Ksh 64,199 only pursuant to the certificate of costs dated 6th November, 2024 in Naivasha HCMISC E085 of 2024 with interest at court rates from date of taxation until full payment.
 - d. That the costs of this application be borne by the respondent.



2. The application is based on the grounds thereto and an affidavit of the even dated, sworn by Own Magata an Advocate of the High Court of Kenya practicing as such with the firm of M/s Maggata & Associates, Advocates. He deposes that the Honourable court on 13th May, 2025 directed the filing of a consolidated application in respect of all matters herein.
3. That the respondent instructed the applicant's firm to for it some time in the month of April 2018 in the following matters as evidence by the instruction letter availed: -
 - a. Naivasha CMCC No. 509 of 2016
 - b. Naivasha CMCC No. 510 of 2016
 - c. Naivasha CMCC No. 511 of 2016
 - d. Naivasha CMCC No. 512 of 2016
 - e. Naivasha CMCC No. 513 of 2016
 - f. Naivasha CMCC No. 514 of 2016
 - g. Naivasha CMCC No. 515 of 2016
 - h. Naivasha CMCC No. 516 of 2016
4. That, the respondent has failed to pay the firm for services rendered necessitating the filing of the bill of costs dated 28th June, 2024; and ten (10) bills of costs dated 22nd October, 2024.
5. That subsequently the Hon. Deputy Registrar on 6th May, 2025 taxed the single bill of costs dated 28th June 2024 at Ksh 64,199 and the other ten (10) other bills of costs dated 22nd October 2024 were taxed at Ksh 71,194.60 each. Subsequently, certificates of taxation issued in respect thereof.
6. That it is trite law that taxed costs are now adopted as judgment of the court and therefore it is only fair and proper that the application herein be allowed so that the applicant can realize the fruits of its labour that have been pending since the year 2018.
7. In regard to the matter herein, the applicant has annexed to the respective applications certificates of taxation in proof of the taxed amount in each case. There is no evidence that, the certificates have been varied or set aside. Neither is there a dispute on the retainer. As a result, I allow the application to the extent that, judgment is entered for the applicant as prayed for in prayer (1) and (2).
8. In relation to the interest, the sum awarded shall accrued with effect from the date in each certificate of taxation in each matter. This is based on the understanding that the interest is payable on the taxed amount.
9. It is so ordered.

DATED, DELIVERED, SIGNED ON THIS 20TH DAY OF JUNE, 2025.

GRACE L. NZIOKA

JUDGE

In the presence of:

Delivered in the absence of the parties. To be transmitted accordingly

Ms. Hannah: court assistant

