



Muma Nyagaka & Company Advocates v Occidental Insurance Company Limited (Civil Miscellaneous Application E188 of 2024) [2025] KEHC 7672 (KLR) (5 June 2025) (Ruling)

Neutral citation: [2025] KEHC 7672 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CIVIL MISCELLANEOUS APPLICATION E188 OF 2024**

A MABEYA, J

JUNE 5, 2025

BETWEEN

MUMA NYAGAKA & COMPANY ADVOCATES APPLICANT

AND

OCCIDENTAL INSURANCE COMPANY LIMITED RESPONDENT

RULING

1. By a Motion on Notice dated 14/1/2025 the Advocate applied for Judgment for Kshs.114,468/- against the respondent. The Motion was brought under section 51(2) of the *Advocates Act*, Cap 16 Laws of Kenya.
2. The basis for seeking judgment was that it was in terms of a Certificate of Costs dated 6/11/2024. The Advocate also sought interest at court rate until payment in full.
3. In the Supporting affidavit sworn by Sonia Aguko on 14/1/2025, it was contended that an advocate client's bill of costs dated 19/4/2023 was lodged with Court for taxation.
4. The said bill of costs was taxed on 5/11/2024 and a Certificate of Costs for Kshs.114,468/- was issued on 6/11/2024. That it was imperative that judgment be entered in terms thereof to enable the Advocate recover its costs.
5. I have considered the record. I have also considered the oral submissions of Ms. Omondi T. I have seen a copy of the Certificate of Costs dated 6/11/2024. It is for Kshs.114,468/-.

6. Section 51(2) of the *Advocates Act* provides: -

“The certificate of the taxing officer by whom any bill has been taxed shall, unless it is set aside or altered by the Court, be final as to the amount of the 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.”

7. From the foregoing, it is clear that an Advocate is entitled to judgment on the amount certified after a taxation of an advocate-client bill of costs. That certificate must not have been varied or set aside. It was averred that the said Certificate of Costs dated 6/11/2024 had not been varied or set aside nor challenged.
8. Accordingly, I am satisfied the application satisfies the provisions of section 51(2) of the *Advocates Act* and I allow the application. Judgment is entered for the applicant/advocate against the respondent/client for Kshs.114,468/- together with interest thereon at court rates until payment in full.

It is so ordered.

DATED AND DELIVERED AT KISUMU THIS 5TH DAY OF JUNE, 2025.

A. MABEYA, FCI ARB

JUDGE

