



REPUBLIC OF KENYA



Ngaywa & Kibet Partners LLP v Monarch Insurance Company Ltd (Miscellaneous Application E207 of 2024) [2025] KEHC 8406 (KLR) (16 June 2025) (Ruling)

Neutral citation: [2025] KEHC 8406 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
MISCELLANEOUS APPLICATION E207 OF 2024
DO CHEPKWONY, J
JUNE 16, 2025**

BETWEEN

NGAYWA & KIBET PARTNERS LLP APPLICANT

AND

MONARCH INSURANCE COMPANY LTD RESPONDENT

RULING

1. This is a ruling in respect of a Notice of Motion application dated 28th March, 2025 in which the Applicant seeks the following orders:-
 - a. That Judgment be entered in favour of the Applicant against the Respondent for the sum of Kenya Shillings Two Hundred and Forty Nine Thousand Nine Hundred and Seventy Three (Kshs.249,973/=) being the assessed costs due to the Applicant as against the Respondent.
 - b. That the Respondent do pay the Applicant the costs of this application together with interest on the assessed amount.
2. The application is based on the grounds as set out on its face and the Supporting Affidavit of Moses Ngaywa sworn on the instant date. The Application was served upon the Respondent and an Affidavit of Service sworn by Timothy Maxwel Oyombera was duly filed to confirm that service was effected but the Respondent did not file any response. However, the court still has to consider the merits of the application.
3. According to the Applicant, his firm represented the Respondent in Ruiru CMCC No. 338 of 2021 but the Respondent failed to pay his legal fees. The Applicant then filed Bill of Costs and vide a Ruling dated 19th February, 2025, the Deputy Registrar assessed the sum at Kshs. 249,973/= and a Certificate of Taxation dated 12th March, 2025 was issued to that effect.



4. It is trite law that the Taxing Officer having already taxed the costs and issued a Certificate of Taxation, yet no reference has been filed seeking to set it aside or even alter it, then this Court's duty is to enter Judgment in the terms presented in the Certificate. On this, the Court is guided by the decision in the case 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. From the aforesaid, the Court proceeds to find that the application herein has met the threshold set by the law 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 Two Hundred and Forty Nine Thousand Nine Hundred and Seventy Three (Kshs.249,973/=) being the assessed costs due to the Applicant as against the Respondent as per the Certificate of Taxation together with interest at 14% per annum from 28th March, 2025 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. Ontegi counsel for the Applicant

Court Assistant - Martin

