



S.O Owino & Associates, Advocates v Musumba (Miscellaneous Civil Application E191 of 2024) [2025] KEHC 8656 (KLR) (Family) (10 June 2025) (Ruling)

Neutral citation: [2025] KEHC 8656 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
FAMILY
MISCELLANEOUS CIVIL APPLICATION E191 OF 2024
CJ KENDAGOR, J
JUNE 10, 2025**

BETWEEN

S.O OWINO & ASSOCIATES, ADVOCATES APPLICANT

AND

ANGELA NABWIRE MUSUMBA RESPONDENT

RULING

1. Before this Court is an application dated 7th March, 2025, which is premised under Sections 51(2) of the *Advocates Act* and Order 51 Rule 1 of the Civil Procedure Rules.
2. The Applicant is seeking the following orders from this Court;
 - a. That judgment be entered for the Applicant against the Respondent in the sum of Kshs. Two hundred and forty two thousand, two hundred and sixty nine shillings (Kshs. 242,269.00) being amount certified to be due by the Deputy Registrar of this Court on 28th February, 2025.
 - b. That the costs of obtaining the Certificate of taxation being Kshs.500/= together with the costs of the application be awarded to the Applicant.
3. The instant application is anchored on the grounds set out on the face thereof and in the supporting affidavit sworn by Stephen Owino on 7th March, 2025 in his capacity as an advocate in the Applicant firm.
4. The deponent stated that the Respondent instructed him to represent her in Misc. Petition No. E036 of 2020, Angela Nabwire Musumba versus Godelieve Mukamana & Ano.
5. The Applicant stated that it filed the Advocate-Client Bill of Costs against the Respondent and the Taxing Master taxed Bill of Costs on 28th February, 2025 at Kshs.242,269.00. Further, that neither the



taxation nor the Certificate of Taxation dated 28th February, 2025 has been altered, varied, or set aside, and it is not under challenge in the current proceedings.

6. The Respondent was served through the firm on record as evidenced by the affidavit of service dated 4th June, 2025.
7. After reviewing the application and the supporting documents presented to the Court, the key issue for determination is whether the Applicant is entitled to the orders sought.
8. Section 51 of the *Advocates Act* stipulates as follows:
 - i.
 - ii. 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 of that judgement be entered for the sum certified to be due with costs.
9. In the case of *Otieno Ragot & Co. Advocates v Kenindia Assurance Co. Ltd* [2020] KEHC 8166 (KLR) the Court proclaimed as hereunder:

“And as long as the Certificate of Taxation has not been varied or set aside the sums thereon certified are final.”
10. Similarly, in the case of *Lubulellah & Associates Advocates v N. K. Brothers Limited* [2014] eKLR the Court observed that:

“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”.
11. Upon reviewing the pleadings and the Court record, this Court is satisfied that the Certificate of Taxation by the Taxing Officer dated 28th February, 2025 is uncontested. The Respondent has not sought a review of the ruling by filing a Reference in a competent court, nor has the ruling been set aside, altered, varied, or reviewed. Furthermore, no appeal has been filed.
12. Pursuant to the provisions of Section 51 (2) of the *Advocates Act*, the Advocate/Applicant herein is entitled to Judgment for the amount indicated in the certificate of taxation that was issued on 28th February, 2025.
13. In light of the above, the Court determines that no further action is necessary from this Court, except to accept the Certificate of Taxation and issue the judgment as requested against the Respondent. Therefore, the Court will make the following orders:
 - a. The Certificate of Costs dated 28th February 2025 is hereby entered as the judgment of the court in the sum of Kshs. 242,269.00/=.
 - b. The Applicant is hereby awarded Kshs. 500.00/= being the costs of obtaining the Certificate of Taxation.
14. It is so Ordered.

DATED, DELIVERED AND SIGNED AT NAIROBI THROUGH THE MICROSOFT TEAMS ONLINE PLATFORM ON THIS 10TH DAY OF JUNE, 2025.



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C. KENDAGOR

JUDGE

In the presence of:

Court Assistant: Beryl.

