



JW & Frank Advocates LLP v Monarch Insurance Company Limited (Civil Case E040 of 2024 & Miscellaneous Application E041, E042, E043, E044, E045 & E046 of 2024 (Consolidated)) [2025] KEHC 10678 (KLR) (18 July 2025) (Ruling)

Neutral citation: [2025] KEHC 10678 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIVASHA
CIVIL CASE E040 OF 2024 & MISCELLANEOUS APPLICATION
E041, E042, E043, E044, E045 & E046 OF 2024 (CONSOLIDATED)**

GL NZIOKA, J

JULY 18, 2025

BETWEEN

JW & FRANK ADVOCATES LLP APPLICANT

AND

MONARCH INSURANCE COMPANY LIMITED RESPONDENT

RULING

1. By a notice of motion application dated 13th June 2025, brought under the provisions of section 1A, 1B, 3A of the [Civil Procedure Act](#), Order 51 Rule (1) of the [Civil Procedure Rules](#); section 51 of the [Advocates Act](#) (Cap 16) Laws of Kenya and paragraph 7 of the [Advocates Remuneration Order, 1962](#), the applicant is seeking for the following orders against the respondent: -
 - a. Spent.
 - b. That pending the hearing and determination of this application inter-partes, this Honourable court be pleased to issue an order of consolidation of the instant Miscellaneous Application with Naivasha High Court Miscellaneous Civil Application(s) No(s). E041, E042, E043, E044, E045 and E046 of 2024 which involves common subject matter for determination and between similar parties (*J.W & Frank Advocates LLP v Monarch Insurance Company Limited*).
 - c. That pending the hearing and determination of this application inter-partes, this Honourable court be pleased to issue an order directing that the court files for Naivasha High Court Miscellaneous Civil Application No. E041, E042, E043, E044, E045 and E046 of 2024 be heard together with this instant Miscellaneous application.



- d. That the Honourable court be pleased to enter judgment for the certificates of taxation in all the aforesaid Miscellaneous applications inclusive of the present matter, for the total sum of Kshs. 594,608.
 - e. That pursuant to Order 7 of the *Advocates Remuneration Order* (as amended in 2014) this Honourable court be pleased to order interest payable at the rate of 14% per annum on the taxed amount from 22nd July 2024, until payment in full.
 - f. That the costs of this application be provided for.
2. The application is based on the grounds thereto and the affidavit of even date sworn by Joshua Mbugua Loshorua an Advocate of the High Court practising in the name and style of the applicant's firm.
 3. He deposes that the applicant filed and served the respondent with the Advocate-Client bill of cost together with taxation notices and/or direction issues by the Taxing Master. That the Advocate-Client Bill of Costs in Naivasha HC Miscellaneous Civil Application No. E40, E041, E042, E043, E044, E045, and E046 of 2024 were taxed by the Taxing Master Hon. J. Ndengeri on 11th July 2024 and certificates of costs issued thereafter for a total sum of Kshs 594,608 as broken hereunder:
 - a. Naivasha HC. Misc. Application No. E040 of 2024- Kshs 70,664
 - b. Naivasha HC. Misc. Application No. E041 of 2024- Kshs 70,523
 - c. Naivasha HC. Misc. Application No. E042 of 2024- Kshs 70,664
 - d. Naivasha HC. Misc. Application No. E043 of 2024- Kshs 170,888
 - e. Naivasha HC. Misc. Application No. E044 of 2024- Kshs 70,532
 - f. Naivasha HC. Misc. Application No. E045 of 2024- Kshs 70,664
 - g. Naivasha HC. Misc. Application No. E046 of 2024- Kshs 70,664Total Kshs 594,608
 4. The deponent further avers that, the matters herein are similar and involve the same parties hence the need for consolidation so as to save on judicial time. Further that the judgment entered upon the sums certified in the certificates of taxation do attract interest at the rate of 14% per annum from 22nd July 2024 which is the date after one (1) month expiration after the delivery and/or service of the Advocate-Client Bills of Costs to the respondent.
 5. Furthermore, the retainer is not in dispute and the certificates of taxation have not been challenged hence this is a proper case for entering of judgment. Consequently it is in the interest of justice and fairness that the orders sought in the application filed herewith be granted.
 6. Upon considering the application the court ordered that, it be served for further orders on 20th June 2025. On that, date the court was informed that, the respondent was served but was not in court. Pursuant thereto, the court ordered that, a decision would be made on the basis of the material on record.
 7. Pursuant thereto, I note that, the subject matters herein relate to the same subject matters and/or parties, consequently the consolidation thereof will serve the interest of justice in terms of costs, time and expeditious disposal. As a result I allow prayer (2) and (3) of the application as prayed.
 8. In further consideration of the matter, I note that, the applicant has annexed to the affidavit in support of the application, certificates of taxation issued in each matter all dated 25th February 2025. There is



no evidence that any of the certificates has been set aside or varied in any way. Furthermore, there is no evidence of a dispute on the retainer. As a result thereof I allow the application as prayed for in terms of prayer (4) thereof.

9. I further direct that interest be payable on the sum awarded as provided for under Order 7 of the *Advocates Remuneration Order* which states as follows: -

“An advocate may charge interest at 14 per cent per annum on his disbursements and costs, whether by scale or otherwise, from the expiration of one month from the delivery of his bill to the client, provided that such claim for interest is raised before the amount of the bill shall have been paid or tendered in full.”

10. The costs of this application are awarded to the applicant.

11. It is so ordered

DATED, DELIVERED AND SIGNED THIS 18TH DAY OF JULY 2025.

GRACE L. NZIOKA.

JUDGE

In the presence of:

N/A by the parties

Ms. Hannah: court assistant

