



REPUBLIC OF KENYA



Kinyanjui Njuguna & Co Advocates v Directline Assurance Co. Limited (Miscellaneous Application 33 of 2020) [2025] KEHC 10370 (KLR) (17 July 2025) (Ruling)

Neutral citation: [2025] KEHC 10370 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MURANG'A
MISCELLANEOUS APPLICATION 33 OF 2020**

TW OUYA, J

JULY 17, 2025

BETWEEN

KINYANJUI NJUGUNA & CO ADVOCATES APPLICANT

AND

DIRECTLINE ASSURANCE CO. LIMITED RESPONDENT

RULING

1. Before this court is a Notice of Motion application by Kinyanjui Njuguna and Company Advocates dated 9th February 2025. The application is brought under section 51(2) of the *Advocates Act* Chapter 16 Laws of Kenya seeking for orders that:
 - i. That judgment be entered in favor of the Applicant against the Respondent for Kshs. 215,309 only, being the certified costs due to the Applicant as against the Respondent
 - ii. That interest be provided for at 14% per annum from 9th February until payment in full
 - iii. That the Respondent does pay to the Applicant the costs of this application together with interest on the taxed sum.
2. The application is supported by grounds and affidavit sworn by Kinyanjui Theuri Advocate on 9th February 2025 to the effect that:
 - a. The Advocate-Client costs due to the Applicant herein have been taxed at Kshs. 215,309 only, in favor of the Applicant as against the Respondent and a certificate of taxation issued to that effect.
 - b. The Respondent has neglected, refused and/or failed to settle the taxed costs.
 - c. There is no dispute that the Respondent retained the Applicant herein as their advocate in respect of which advocate –client’s costs were taxed herein.



- d. That it is only fair in the circumstances that judgement be entered for the amount of Kshs. 215,309 only being the sum certified to be due to the applicant herein.
 - e. A certificate of Taxation by Hon. V A. Ochanda Deputy Registrar dated 10th June 2021 is attached.
3. This court takes note that the instant application, hearing notice and submissions were served upon the Respondent but failed to yield any response neither did the Respondent appear in court.
 4. *Vide* written submissions on 24th June 2025, the applicant urges the court to grant the orders as prayed.
 5. The court has considered the application in its entirety together with the affidavit, supporting documents attached together with counsel's written submissions. The issue for determination is whether the application is merited. In considering the above, this court is invited to look into the prayer for judgement in favor of the Applicant against the Respondent for the sum of Kshs. 215,309 only, being the certified costs due to the applicant as against the Respondent and whether interest is payable on the same from the date of filing suit.
 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. This court takes into account the existence of the certificate of taxation by Hon. V A the Deputy Registrar High Court Murang'a dated 10th June 2021. The court also considers that the application is not contested. I therefore find that the application for judgement in the sum of Kshs. 215,309 is merited and should be granted.
 8. However, I have noted that whereas the bill was taxed and certificate issued on 10th June 2021, there is no evidence that the same was communicated to the client/respondent. The issue of interest would have been applicable from the date of taxation if the same was indeed communicated to the client / respondent. Prayer no. (2) on interest should therefore fail.
 9. This court will however grant the prayer for the costs of this application.
 10. In the upshot, the following orders will ensue:
 - i. Prayers 1 and 3 granted as prayed.
 - ii. Prayer 2 dismissed

DATED, SIGNED AND DELIVERED ELECTRONICALLY THIS 17TH DAY OF JULY, 2025.

HON. T. W. OUYA

JUDGE

