



**SO Owino & Associates Advocates v Yunis (Miscellaneous Application  
27 of 2020) [2025] KEHC 10067 (KLR) (Family) (11 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 10067 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
FAMILY  
MISCELLANEOUS APPLICATION 27 OF 2020  
H NAMISI, J  
JULY 11, 2025**

**BETWEEN**

**SO OWINO & ASSOCIATES ADVOCATES ..... APPLICANT**

**AND**

**ABDUL KADIR YUNIS ..... RESPONDENT**

**RULING**

1. The Applicant has filed Notice of Motion dated 31 October 2023, brought under section 51(2) of the [Advocates Act](#), Rule 7 of the [Advocates Remuneration Order](#) and Order 51 of the [Civil Procedure Rules](#). The Application seeks the following orders:
  - i. That the court be pleased enter judgement for the Advocate/Applicant against the Client/Respondent in the sum of Kshs 810,243.30 only, being the taxed costs herein;
  - ii. That interest on the taxed costs at 14% p. A from 8 August 2020 until payment in full be awarded to the Advocate/Applicant;
  - iii. That the costs of this Application be provided for.
2. The Application is supported by an Affidavit sworn by Stephen Owino, Advocates which avers as follows:
  - a. The Advocate/Applicant lodged a Advocate/Client Bill of Costs dated 21 February 2020;
  - b. The said Bill of Costs was taxed at Kshs 810,243.30 on 8 August 2020;
  - c. A certificate of taxation was issued by the Honorable Deputy Registrar on 10 March 2025.
3. Despite being served, the Respondent did not participate in these proceedings.



4. Section 51 (2) of the [Advocates Act](#) provides as follows:

Pursuant to the provisions of Section 2 of the [Advocates Act](#) –“Client’ includes any person who, as a principal or on behalf of another, or as a trustee or personal representative, or in any other capacity, has power, express or implied, to retain or employ an advocate and any person who is or may be liable to pay an advocate any costs.

5. In the case of [Musyoka & Wambua Advocates v Rustam Hira Advocate](#) (2006) eKLR it was held thus:

“Section 51 of the Act makes general provisions as to taxation, as the marginal note indicates. One of those provisions is that the court has discretion to enter judgment on a Certificate of Taxation which has not been set aside or altered, where there is no dispute as to retainer. This in my view is a mode of recovery of taxed costs provided by law, in addition to filing of suit.....”

6. Having read the Application, I am of the considered view that the same is merited. The Application is allowed and I make the following orders:

- i. Judgement is hereby entered for the Applicant against the Respondent in terms of the Certificate of Costs dated 10 March 2025 for Kshs 810,243.30
- ii. Interest thereon is awarded at the rate of 14% per annum from 8 August 2020 until payment in full.
- iii. The Applicant is awarded costs assessed at Kshs 30,000/=.

**DATED AND DELIVERED AT NAIROBI THIS 11 DAY OF JULY 2025**

**HELENE R. NAMISI**

**JUDGE OF THE HIGH COURT**

Delivered on virtual platform in the presence of:

For Applicant: Ms. Okomo

For Respondent: N/A

Libertine Achieng..... Court Assistant

