



**Samnakay v Thomas & another (Miscellaneous Cause E406 of 2022)  
[2024] KEHC 4174 (KLR) (Commercial and Tax) (19 April 2024) (Ruling)**

Neutral citation: [2024] KEHC 4174 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI COMMERCIAL COURTS)  
COMMERCIAL AND TAX  
MISCELLANEOUS CAUSE E406 OF 2022**

**A MABEYA, J**

**APRIL 19, 2024**

**BETWEEN**

**MOHAMMED SAMNAKAY ..... APPLICANT**

**AND**

**SHAMMI KANJIRA PRAMBIL THOMAS ..... 1<sup>ST</sup> RESPONDENT**

**SPECTSAVER (K) LIMITED ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. Before Court is a Motion on Notice dated 31/8/2023. It is brought under section 51(2) of the [Advocates Act](#) and Rule 7 of the [Advocates Remuneration Order](#).
2. It seeks judgment for Kshs. 893,556/= for costs as certified by the deputy registrar on 11/7/2023.
3. The same was supported by the Affidavit of Zul Mohammed sworn on 31/8/2023. From the evidence on record, the bill of costs dated 19/5/2022 was taxed at Kshs. 893,556/= on 11/7/2023.
4. A certificate of taxation for the said amount was issued on 11/7/2023 under Section 52 of the [Advocates Act](#). The said certificate has not been set aside or varied. Accordingly, the same is liable to be converted into a judgment of this Court.
5. In terms of Rule 7 of the Advocates Remuneration Order, the Advocate is entitled to interest on the said sum at 14% pa from 1/7/2022 until payment in full.
6. Accordingly, the application is allowed as prayed. The costs of the application is assessed at Kshs. 20,000/=.

It is so ordered.



**DATED AND DELIVERED AT NAIROBI THIS 19<sup>TH</sup> DAY OF APRIL, 2024.**

**A. MABEYA, FCI Arb, EBS**

**JUDGE**

