



**Andrew B. Khakula t/a J.S Khakula & Co. Advocates v Trident Insurance Company Limited
(Miscellaneous Application E22 of 2023) [2024] KEHC 5499 (KLR) (21 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5499 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
MISCELLANEOUS APPLICATION E22 OF 2023
DKN MAGARE, J
MAY 21, 2024**

BETWEEN

ANDREW B. KHAKULA T/A J.S KHAKULA & CO. ADVOCATES APPLICANT

AND

TRIDENT INSURANCE COMPANY LIMITED RESPONDENT

RULING

1. This is a Ruling over a Miscellaneous Application dated 20/9/2023 seeking that Judgement be entered for the Applicant against the Respondent in the sum of Ksh. 290,850/= being the sum taxed and certified by the Deputy Registrar on 17th August 2023 as due to the Applicant with interest thereon.
2. The Application arose from the Advocate/Client Bill of Costs dated 19th January 2023 that was assessed costs at Ksh. 290,850/= by the taxing master of the court.
3. The Application was filed under Section 51 (1) of the *Advocates Act* and paragraph 7 of the Advocates Remuneration Order. The said Section 51(2) of the *Advocates Act* provides thus:

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.”

4. The Application is unopposed. I gave directions for hearing hereof in the morning for delivery of ruling in the



5. In the case of *Musyoka & Wambua Advocates v Rustam Hira Advocate* (2006) eKLR it was held: -

“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. I find and hold that the Application is merited and is accordingly allowed. Interest shall be applied effective 30 days of certification.

Determination

7.

- a. I therefore make the following orders: -
- b. Judgment be and is hereby entered for the Applicant against the Respondent 290,850/- as per the Certificate of Costs dated 17th August 2023.
- c. Interest thereon is awarded at court rates effective 17th September 2023.

RULING DATED, SIGNED AND DELIVERED VIRTUALLY AT MOMBASA ON THIS 21ST DAY OF MAY, 2024.

KIZITO MAGARE

JUDGE

In the presence of:-

Mr. Ogara for the Applicant

No appearance for the Respondent

Court Assistant - Brian

M.D. KIZITO, J.

