



**Kiarie Kariuki t/a Kiarie Kariuki & Co. Advocates v Monrach Insurance Company Limited
(Miscellaneous Application E003 of 2023) [2024] KEHC 5516 (KLR) (21 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 5516 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
MISCELLANEOUS APPLICATION E003 OF 2023
DKN MAGARE, J
MAY 21, 2024**

BETWEEN

KIARIE KARIUKI T/A KIARIE KARIUKI & CO. ADVOCATES APPLICANT

AND

THE MONRACH INSURANCE COMPANY LIMITED RESPONDENT

RULING

1. This is a Ruling over a Miscellaneous Application dated 23/10/2023 seeking that Judgement be entered for the Applicant against the Respondent in the sum of Kshs. 199,080/= being the sum taxed and certified by the Deputy Registrar on 15th June 2023 as due to the Applicant with interest thereon.
2. The Application arose from the Advocate/Client Bill of Costs dated 10th January 2023 at Ksh. 199,080/=.
3. The Application is expressed to be brought 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 jurisdiction of this court was dealt with in the case of *Kalonzo Musyoka & Paul M. Wambua (Practicing as Musyoka & Wambua, Advocates) v Rustam Hira (Practicing as Rustam Hira, Advocate)* [2006] eKLR, where 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.”

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

Determination

- a. I therefore make the following orders: -
- a. Judgment be and is hereby entered for the Applicant against the Respondent Ksh.199, 080/= as per the Certificate of Costs dated 17th August 2023.
 - b. 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:-

M/s Layoo for the Applicant

No appearance for the Respondent

Court Assistant - Brian

