



**Urbanus Kioko t/a Urbanus K & Associates Advocates v Trident Insurance Company Limited  
(Miscellaneous Application E265 of 2021) [2024] KEHC 7525 (KLR) (4 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 7525 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
MISCELLANEOUS APPLICATION E265 OF 2021  
DO CHEPKWONY, J  
JUNE 4, 2024**

**BETWEEN**

**URBANUS KIOKO T/A URBANUS K & ASSOCIATES  
ADVOCATES ..... APPLICANT**

**AND**

**TRIDENT INSURANCE COMPANY LIMITED ..... RESPONDENT**

**RULING**

1. What is before the court for determination is the Notice of Motion application dated 9<sup>th</sup> March 2024 seeking the following orders:
  - a. That judgment be entered for the taxed Party & Party Costs of Kshs. 80,000/= contained in the Certificate of Taxation dated 15<sup>th</sup> January, 2024 with interest thereon at the rate of 14% per annum from 28<sup>th</sup> February, 2022 until payment in full.
  - b. That the costs of the application herein be awarded to the Advocate/Applicant.
2. The Application is based on the following grounds as set out on its face and the Supporting Affidavit of Urbanus Kioko sworn on the instant date.
  - a. That the Advocate/Applicant was issued with a Certificate of Taxation of his costs in this matter.
  - b. That the Certificate of Costs dated 15<sup>th</sup> January, 2024 has not been set aside and/or varied through an order of this Honourable Court.
  - c. That there is no dispute on retainer between the parties.



- d. That the Advocate/Applicant has been denied by the Respondent his legal fees for an extended period of time and the monetary value of the legal fees has been grossly eroded by the incidence of inflation over the years, hence the Advocate/Applicant's claim for interest.
  - e. That it is in the interest of justice that the orders sought herein be granted.
3. It is trite law that since a Certificate of Taxation has been issued and no reference has been filed seeking to set it aside or even alter it, then this court's duty shall only be to enter Judgment. The court is guided by the decision in the case of *Lubulellah & Associates Advocates –vs- NK Brothers Limited* [2014] eKLR where the Court stated as follows:-

“The law is very clear that once a Taxing Master has taxed the costs, issued a Certificate of Costs and there is no reference against his ruling or there has been a ruling and a determination made and not set aside and/or altered, no other action would be required from the court save to enter Judgment. An applicant is not required to file suit for the recovery of costs. The Certificate of Costs is final as to the amounts of the costs and the court would be quite in order to enter judgment in favour of the Applicant against the Respondent herein for the taxed sum indicated in the Certificate of Taxation that was issued on 25<sup>th</sup> November, 2012.”

5. Having read through the record herein, the court also notes that the application dated 9<sup>th</sup> March, 2024 was served upon the Respondent and there is an Affidavit of Service on record sworn by Robert K. Mutuku on 17<sup>th</sup> May, 2024 to confirm this. However, the Respondent did not file any response or application seeking to set aside the Certificate of Taxation. The Court has also further perused the record and finds that the Advocate Bill of Costs was allowed by consent of the parties on 28<sup>th</sup> February, 2022, which Consent was adopted as order of the court on even date.
5. The upshot is that the application dated 9<sup>th</sup> March, 2024 is allowed in the following terms:-
  - a. Judgment be and is hereby entered in favour of the Applicant as against the respondent in the sum of Kshs. 80,000/= as per the Certificate of Taxation dated 15<sup>th</sup> January, 2024 together with interest at 14% per annum from 28<sup>th</sup> February, 2022 until payment in full.
  - b. Costs of the application are awarded to the Applicant

It is so ordered.

**RULING DATED AND SIGNED AT KIAMBU THIS 4<sup>TH</sup> DAY OF JUNE, 2024.**

**D. O. CHEPKWONY**

**JUDGE**

**In the presence of:**

M/S Sarange holding brief for Mr. Kioko for the Applicant

Court Assistant - Martin

