



Kinyua & Maingi & Co Advocates v Trident Insurance Co Limited (Civil Miscellaneous Application E214 of 2023) [2024] KEHC 12453 (KLR) (16 October 2024) (Ruling)

Neutral citation: [2024] KEHC 12453 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CIVIL MISCELLANEOUS APPLICATION E214 OF 2023
DO CHEPKWONY, J
OCTOBER 16, 2024**

BETWEEN

KINYUA & MAINGI & CO ADVOCATES APPLICANT

AND

TRIDENT INSURANCE CO LIMITED RESPONDENT

RULING

1. This is a ruling in respect of a Notice of Motion application dated 28th August, 2024 in which the Applicant is seeking for orders that:-
 - a. Judgment be entered in favour of the Applicant against the Respondent for the sum of Kenya shillings Two Hundred and Fifty-Five Thousand, Nine Hundred and Fourty-Four Shillings (Kshs 255,944.00) only being the certified costs due to the Applicant as against the Respondent.
 - b. That the Respondent to pay to the Applicant the costs of this application together with interest on the taxed sum.
2. The application is premised on the grounds set out on its face and Supporting Affidavit sworn by Njoki Kinyua on even date, the gist of it being that despite the Advocate-Client costs having been taxed at Kenya shillings Two Hundred and Fifty-Five Thousand, Nine Hundred and Fourty-Four Shillings (Kshs 255,944.00) in favour of the Applicant as against the Respondent and a Certificate of Taxation issued to that effect, the Respondent has neglected, refused and or failed to settle the same. The Applicant avers that there has been no dispute that the Respondent retained him as their advocate in the matter.
3. The Respondent has not filed a response despite having been served with the said pleadings and hearing Notice as evidenced by the Affidavit of Service sworn by Simon Mutinda James on 13th September, 2024. Therefore, the application be and is hereby deemed as unopposed.



4. As a result thereof, the court proceeds to allow the Notice of Motion application dated 28th August, 2024 in the following terms:-
- a. Judgment be and is hereby entered in favour of the Applicant against the Respondent for the sum of Kenya shillings Two Hundred and Fifty-Five Thousand, Nine Hundred and Fourty-Four Shillings (Kshs 255,944.00) only being the certified costs due to the Applicant as against the Respondent.
 - b. That the Respondent to pay to the Applicant the costs of this application together with interest on the taxed sum.

It is so ordered.

**RULING DATED AND SIGNED AT KIAMBU THIS _16TH DAY OF ...OCTOBER...., 2024.
(UPLOADED VIA ELECTRONIC MAIL)**

D. O. CHEPKWONY

JUDGE

