



**Nyachiro t/a M/S Nyachiro Nyagaka & Co Advocates v County Government of Nyamira  
(Miscellaneous Civil Case E001 of 2022) [2023] KEHC 97 (KLR) (18 January 2023) (Ruling)**

Neutral citation: [2023] KEHC 97 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAMIRA  
MISCELLANEOUS CIVIL CASE E001 OF 2022  
FA OCHIENG, J  
JANUARY 18, 2023**

**BETWEEN**

**JONES NYACHIRO T/A M/S NYACHIRO NYAGAKA & CO  
ADVOCATES ..... APPLICANT**

**AND**

**COUNTY GOVERNMENT OF NYAMIRA ..... RESPONDENT**

**RULING**

1. The application dated April 20, 2022 was filed by the Law Firm of Jones Nyachiro trading as Nyachiro Nyagaka & Co Advocates. It is an application anchored upon Paragraph 51(2) of the [Advocates Remuneration Order](#) as read together with order 51 of the [Civil Procedure Rules](#).
2. The applicant sought judgment in terms of the certificate of costs which the learned taxing officer had issued after he had conducted taxation of the advocate – client bill of costs dated January 4, 2022.
3. When the matter came up before me on May 12, 2022, I allowed the respondent 7 days to file and serve its replying affidavit. I further directed that within 7 days of service, the applicant should file and serve submissions.
4. Thereafter, the respondent would file and serve submissions within 7 days of service of the applicant’s submissions.
5. The application was then scheduled for mention on June 14, 2022, when the court was to verify compliance with its directions. By June 14, 2022, the respondent had not yet filed its replying affidavit.
6. Having waited in vain for the replying affidavit, the applicant filed submissions on June 7, 2022.
7. As the respondent had not filed any response to the application, the applicant asked the court to grant the orders sought, on the basis of the fact that the application was unopposed.



8. But Miss Wanjohi, the learned advocate for the respondent informed the court that her client had filed an application dated June 13, 2022, seeking an extension of time within which to file a reference from the ruling on taxation.
9. Although an application for extension of time was not a direct answer to the application dated April 20, 2022, I formed the considered opinion that it was prudent to give it a chance. I did so because if the respondent persuaded the court to grant it more time to file a reference from the ruling on taxation, there could thereafter be a possibility that the certificate of costs could be either varied or set aside.
10. The court directed the parties to canvass the application dated June 13, 2022, through written submissions.
11. In a ruling which I delivered earlier today, I rejected the application dated June 13, 2022. Consequently, the application dated April 20, 2022 stands unopposed.
12. As the certificate costs dated February 4, 2022 had neither been set aside nor varied, its contents are final. I therefore enter judgment in favour of the applicant for the taxed costs in the sum of Kshs 1,967,454.50.
13. The said sum will attract interest at Court rates from March 5, 2022; and I so hold because that date marks the end of the 30 days' grace awardable to the respondent, from the date when it became aware of the ruling on taxation.
14. The respondent manifested its said knowledge through the letter dated February 18, 2022, which its advocates wrote to the learned taxing officer when asking him to give his reasons for the decision he had rendered after he had carried out the process of taxation.
15. Finally, I order the respondent to pay to the applicant the costs of the application dated April 20, 2022.

**DATED, SIGNED AND DELIVERED THIS 18<sup>TH</sup> DAY OF JANUARY, 2023.**

**FRED A. OCHIENG**

**JUDGE**

**I certify that this is a true copy of the original.**

**DEPUTY REGISTRAR**

